City of Malibu

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April 30, 2015 *Sent via Email to sunger@waterboards.ca.gov*

Mr. Sam Unger, Executive Officer
California Regional Water Quality Control Board
Los Angeles Region
320 W. 4th Street, Suite 200
Los Angeles, CA 90013

RE: Memorandum of Understanding (MOU) Quarterly Progress Report
Malibu Civic Center Wastewater Treatment Plan

Dear Sam:

The following is the quarterly progress report for the Malibu Civic Center Wastewater Treatment Plan, which covers work activities performed on this project during the period between January 1, 2015 and March 31, 2015. To date, the City continues to make progress on all MOU Milestone requirements.

Below is a list of the work performed during the last quarter:

- Continued work to further develop the Malibu Valley Joint Salt-Nutrient Management Plan (SNMP) and Groundwater Management Plan (GWMP). These plans are highly complex but necessary for recycled water use, management of the groundwater basin, and for funding purposes.

- Continued to work with the Los Angeles County Fire Department to modify the wastewater treatment plant site plan and landscaping plan to reflect plan review comments regarding the project's Final Fuel Modification Plans, which are an integral part of the project's final design.

- Conducted the fifth Civic Center Wastewater Treatment Facility Technical Advisory Committee (TAC) meeting on January 8, 2015. Committee members, which included independent experts and Los Angeles Regional Water Quality Control Board (Regional Board) staff, were updated on the treatment plant design and processes (Attachment 1).

- On January 12, 2015, the Malibu City Council:

- Adopted Resolution Nos. 15-02 and 15-03 for the processing of State Revolving Fund (SRF) loan applications for the Malibu Civic Center Wastewater Treatment Facility (CCWWTF) (Attachment 2).

- Conducted a public hearing, approving Ordinance No. 385, which created a Prohibition Zone and Consultation Zone to protect the City's recycled water injection wells serving the CCWWTF (Attachment 3).

- Conducted a public hearing, approving Ordinance No. 386 (Coastal Development Permit, Local Coastal Program, Zoning Text and Zoning Map Amendments, etc.), and adopting Resolution No. 15-05, certifying the project's Final Environmental Impact Report (Final EIR) (Attachments 4 & 5).

- On January 15, 2015, staff submitted Local Coastal Program Amendments to the California Coastal Commission for approval. The California Coastal Commission has scheduled this item for a public hearing and vote on May 13, 2015 (Attachment 15).

- Continued to meet with Regional Board staff to discuss project progress and areas of regulatory concern for finalizing the project's Waste Discharge Requirements (WDR), Water Recycling Requirements (WRR), and Groundwater and Surface Monitoring Reporting Program (MRP) Permit conditions

- Continued to work with State Water Resources Control Board (State Board) staff to prepare and submit a Clean Water State Revolving Fund (SRF) loan application (consisting of the Technical, Environmental, and Financial Packages) for the Malibu CCWWTF project

- Continued to work with Los Angeles County Waterworks District 29 to seek possible recycled water demand opportunities further west of the Civic Center Area of Malibu

- Continued to conduct regular monthly meetings with Stakeholders and Stakeholder groups to discuss the Civic Center Wastewater Treatment Facility Project (Attachments 6, 7 & 8).

- On January 26, 2015, the Malibu City Council:

  - Conducted a second reading adopting Ordinance No. 385, creating a Prohibition Zone and Consultation Zone to protect the City's recycled water injection wells serving the CCWWTF (Attachment 9).

  - Conducted a second reading adopting Ordinance No. 386, approving Amendments for the Local Coastal Program, Zoning Text, Zoning Map, etc., for the Malibu CCWWTF project (Attachment 10).

- On March 12, 2015, the Regional Board conducted a Public Meeting and approved Waste Discharge Requirements (WDR), Water Recycling Requirements (WRR), and Groundwater and Surface Water Monitoring and Reporting Programs (MRP) permits for the Malibu CCWWTF project (Attachment 11). At that meeting, the Malibu City Manager also presented to the Regional Board a progress update of the Malibu CCWWTF Project (Attachment 12).

- Conducted a Phase 2 Environmental Site Assessment (ESA) at the proposed treatment plant site to identify potential constituents of concern that may exist at the proposed site and to provide the necessary due diligence required prior to the purchase of the property
- Submitted the project's Certified Final EIR to the Regional Board on March 30, 2015, as required by the Revised MOU Milestone No. 4 (Attachment 17)
- Continued preparatory work necessary for the creation of an Assessment District (AD), such as a benefits analysis, which includes defining loads and flows from each parcel, capital cost estimates, operation and maintenance cost estimates, and initial modeling of alternative cost allocation methodologies
- Continued with work to check and refine the project's final construction plans and specifications necessary for public bidding of the project (99% complete)
- Continued analysis of commercial and residential tie-in locations and hookup points along the project's wastewater collection and reclaimed water systems
- Continued performing independent expert review of the project's design concept, treatment processes, instrumentation controls, sizing, and site configuration of the CCWWTF facility to ensure plant design and processes are effective and efficient.

Currently, the design of the wastewater treatment plant, the collection system, the recycled water system, and the groundwater injection system is about 99% complete. On January 8, 2015, the City conducted its fifth Wastewater Treatment Facility Technical Advisory Committee (TAC) meeting (Attachment 1). Committee members, who include independent wastewater experts and state and regional board staff, were updated on the treatment plant design and processes and allowed to make their own observations and comments. In general, the TAC was very pleased with the treatment process that was selected for this project and stated that the overall treatment process and system design was the most efficient and economical for this project.

During this reporting period, the City's design consultant and City staff also worked with the Los Angeles County Fire Department staff to redesign the wastewater treatment plant site and landscaping design to reflect plan review comments so that it would comply with the Fire Department's onsite fuel modification requirements. The City's continued approach of performing tasks simultaneously and on parallel tracks continues to keep this project moving forward.

A public hearing for the Final EIR was held on January 12, 2015 by the Malibu City Council. (Attachments 4 & 5) The public hearing included a detailed presentation of the project by City staff and the project consultant team. The public hearing also provided an opportunity for the City Council and the public to ask detailed questions about the project. Overwhelming support for the project came from representatives of LA Waterkeeper, Heal the Bay, Surfrider Foundation, and Regional Board staff. After the public hearing, the Malibu City Council certified the Final EIR

(Attachment 13). Along with certifying the Final EIR, the City Council also approved Ordinance No. 386 approving Local Coastal Program Amendment No. 13-002, Zoning Text Amendment No. 13-008 and Zoning Map Amendment No. 13-003 to establish the Civic Center Wastewater Treatment Facility Institutional Overlay District and associated development standards, modify permitted and conditionally permitted uses and other sections in the Local Coastal Program, Local Implementation Plan, and make corollary zoning text and map amendments to Title 17 of the Malibu Municipal Code and Zoning Map (Attachments 4 & 5). Separate, but related, agenda items also approved at the January 12, 2015 Regular City Council meeting included Ordinance No. 385 creating a Prohibition Zone and a Consultation Zone to protect the City's recycled water injection wells serving the proposed CCWWTF (Attachment 3), and adoption of a resolution authorizing the City Manager to execute documents for the SRF loan application for the proposed CCWTF (Attachment 2). On January 15, 2015, the City Manager and City's Planning Director submitted the aforementioned Local Coastal Program Amendments to the California Coastal Commission for approval. In response, the California Coastal Commission has scheduled these items for a public hearing and vote on May 13, 2015 (Attachment 14). At the January 26, 2015 Regular City Council meeting, the second readings for Ordinance Nos. 385 and 386 were conducted and adopted (Attachments 9, 10 & 15).

During this period, the City's design consultant and City staff continued to work with Dr. Eric Wu and Dr. T. Don Tsai of the Regional Board's Groundwater & Permitting Unit to discuss project progress and areas of regulatory concern for finalizing the project's WDR, WRR, and the Groundwater and Surface Water MRP. On March 12, 2015, the Regional Board conducted a public hearing and approved the WDR, WRR, and MRP for the project (Attachments 11 and 16). During this final design and permitting phase, Dr. Wu and his staff continued to be very helpful to our staff and have provided our team with clarity and guidance. We continue to look forward to his and the Regional Board's continued support throughout this project.

The City's Assessment Engineering Consultant, David Taussig & Associates, continues to perform the required work necessary for the formation of the CCWTF Assessment District (AD). As you are aware, commercial property owners previously approved establishment of a Community Facilities District (CFD) to fund the project's remaining field, design, and permitting work. Formation of an AD is critical, as it will provide the funding necessary to construct and operate the wastewater treatment facility. In the City's continued effort to seek other low cost sources of funding for construction of this project, City staff has directed the design consultant to provide additional services associated with preparing and submitting loan applications and documents, and completing additional cultural and resources screenings work, which is necessary to be eligible to receive available low interest SRF loans.

Finally, the City continues to hold monthly meetings with stakeholders and stakeholder groups about the CCWTF project (Attachments 6, 7, & 8). For several years, the City has met on a monthly basis with stakeholder groups comprised of commercial property owners, residential homeowners association (HOA) representatives and other interested community members. The City also makes presentations to HOA organizations within the prohibition boundary area when requested. There appears to be continued support from the commercial property owners for the wastewater treatment plant moving forward. There is, however, much greater concern from residential property owners with regard to cost and overall impacts.

As you can see, the City is committed to working with the community and the Regional Board in a diligent effort towards the design and completion of the wastewater treatment facility for the Civic Center area. The City also recognizes and appreciates the Regional Board's help and cooperation with revising the MOU Phase 1 and 2 completion dates. Although the City still faces a monumental task in completing this project within the Regional Board's and revised MOU completion dates, we are very proud of the work we have accomplished thus far, and are fully committed to cooperatively working with the Regional Board in making every effort to complete this highly complex wastewater project within the time allowed.

If you have any questions, or require additional clarification, please do not hesitate to contact me at (310) 456-2489, extension 247, or bbrager@malibucity.org.

Sincerely,

Robert L. Brager

Robert L. Brager, PE, JD
Public Works Director/City Engineer

Attachments:

1. PowerPoint Presentation for the January 8, 2015 Malibu Civic Center Technical Advisory Committee Meeting.
2. January 12, 2015 Malibu City Council Meeting Agenda Report for SRF Loan Application Authorization for the Malibu CCWWTF Project.
3. January 12, 2015 Malibu City Council Meeting Agenda Report for Prohibition and Consultation Protection Zones for the Malibu CCWWTF Project.
4. January 12, 2015 Malibu City Council Meeting Agenda Report for Final EIR and Associated Amendments for the Malibu CCWWTF Project.
5. January 12, 2015 Malibu City Council Meeting Agenda Report PowerPoint Presentation for Final EIR and Associated Amendments for the Malibu CCWWTF Project.
6. PowerPoint Presentation for the January 29, 2015 Malibu Civic Center Stakeholders Meeting.
7. PowerPoint Presentation for the February 26, 2015 Malibu Civic Center Stakeholders Meeting.
8. PowerPoint Presentation for the March 26, 2015 Malibu Civic Center Stakeholders Meeting.
9. January 26, 2015 Malibu City Council Meeting Agenda Report for Second Reading and Adoption of Ordinance No. 385 for the Malibu CCWWTF Project.
10. January 26, 2015 Malibu City Council Meeting Agenda Report for Second Reading and Adoption of Ordinance No. 386 for the Malibu CCWWTF Project.
11. March 12, 2015 Los Angeles Regional Water Quality Control Board Meeting Agenda for Waste Discharge Requirements (WDRs) and Water Recycling Requirements (WRRs) and Monitor and Reporting Programs (MRPs) for the Malibu CCWWTF Project.

12. Malibu City Manager's PowerPoint Presentation at the March 12, 2015 Los Angeles Regional Water Quality Control Board Meeting for the Malibu CCWWTF Project.
13. City of Malibu Actions Memorandum from the January 12, 2015 Regular City Council Meeting for Certification of EIR.
14. California Coastal Commission Public Notice for Public Hearing on May 13, 2015 at the Santa Barbara County Board of Supervisors Chambers.
15. City of Malibu Actions Memorandum from the January 12, 2015 Regular City Council Meeting for adoption of Ordinance Nos. 385 and 386.
16. WDR, WRR, and MRP Permits issued by the Los Angeles Regional Water Quality Control Board for the Malibu CCWWTF Project.
17. City of Malibu Transmittal for Certified Final EIR to the Los Angeles Regional Water Quality Control Board in conformance with Revised MOU Milestone 4.

cc: Mayor John Sibert and Honorable Members of the Malibu City Council
Jim Thorsen, City Manager
Vic Peterson, Environmental Sustainability Director
Bonnie Blue, Planning Director
Craig George, Environmental Sustainability Manager / Deputy Building Official
Eric Wu, Ph.D., P.E., RWQCB
T. Don Tsai, Ph.D., RWQCB

AGENDA

TECHNICAL ADVISORY COMMITTEE MEETING

CIVIC CENTER WASTEWATER TREATMENT FACILITY

08 JANUARY 2015, 9:30 am – 1pm

MULITI – PURPOSE ROOM, MALIBU CITY HALL

I. **Introductions**

II. **Design Update**
   a. Wastewater collection system design
   b. Wastewater treatment plant
   c. Treated effluent reuse and disposal
      i. Recycled Water Distribution System
      ii. Groundwater Injection System

III. **Permitting and CEQA Status**
   a. EIR Status
   b. WRR/WDR Status
      i. Effluent and Groundwater Limits
      ii. Monitoring and Reporting Plan

IV. **Salt & Nutrient Management Plan and Groundwater Management Plan**
   a. Groundwater Management Plan (GWMP)
      i. Need for GWMP
      ii. Context under the Sustainable Groundwater Management Act of 2014
      iii. Connection to Salt & Nutrient Management Plan (SNMP)
   b. Salt & Nutrient Management Plan (SNMP)
      i. Review of goals and objectives
      ii. Assimilative Capacity and Anti-Degradation Analyses
      iii. Proposed Management Strategies
      iv. SNMP Groundwater Monitoring Plan

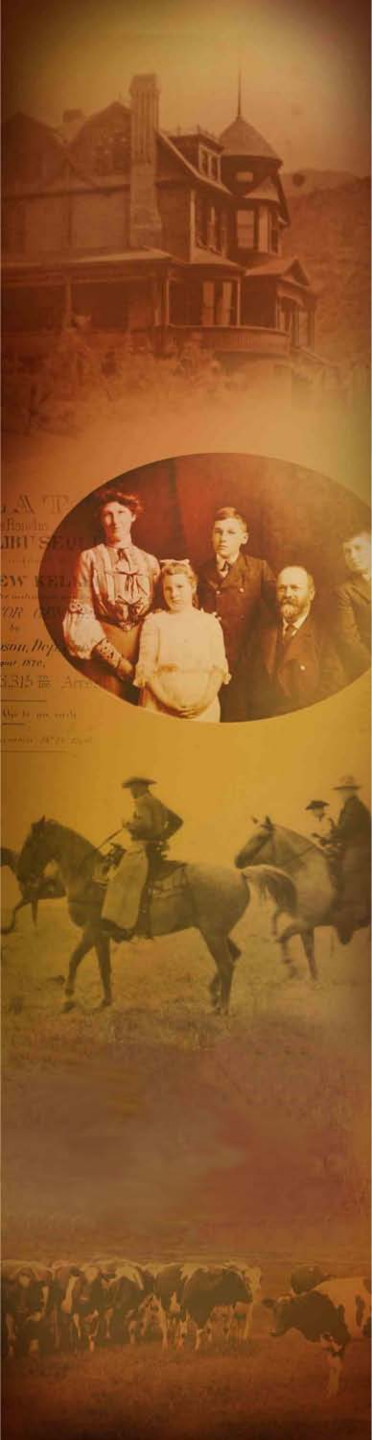
V. **Assessment District Update**

VI. **Next Steps/Future Meetings**

Technical Advisory Committee Meeting

Civic Center Wastewater Treatment Facility

January 8, 2015



Meeting Agenda

I. Introductions

II. Update on Design

- Wastewater Treatment Plant
- Wastewater Collection System
- Recycled Water Distribution System
- Groundwater Injection System

III. Permitting and CEQA Documentation

- EIR Status
- WRR/WDR Status

IV. SNMP-GWMP Status

- SNMP
- GWMP

V. Conclusions/Next Steps/Future Meetings

Introductions

Person	Role
Jim Thorsen Bob Brager Rob Duboux Craig George Bonnie Blue Barbara Cameron	City of Malibu
Eric Wu Don Tsai Rebecca Chou Ginachi Amah	RWQCB
Patricia Leary	SWRCB
Jack Topel	SMBRC
Kirsten James	Heal the Bay
Ric Vardel	Integrated Performance Consultants
Jeff Bouse	LADPW

Person	Role
Michael Stenstrom	UCLA
Steve Clary Leslie Dumas Richard Laton	RMC Design Team

Meeting Agenda

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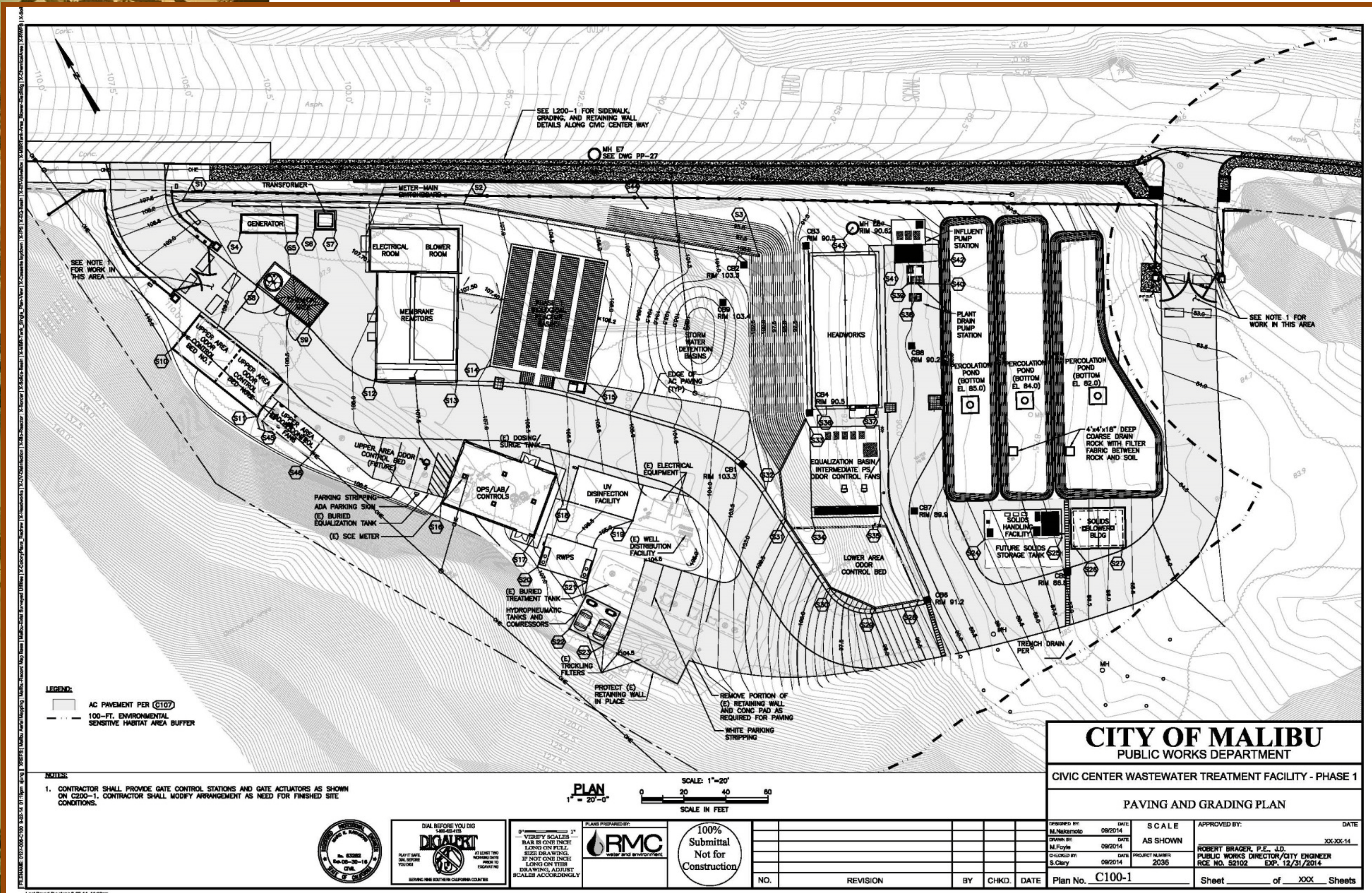
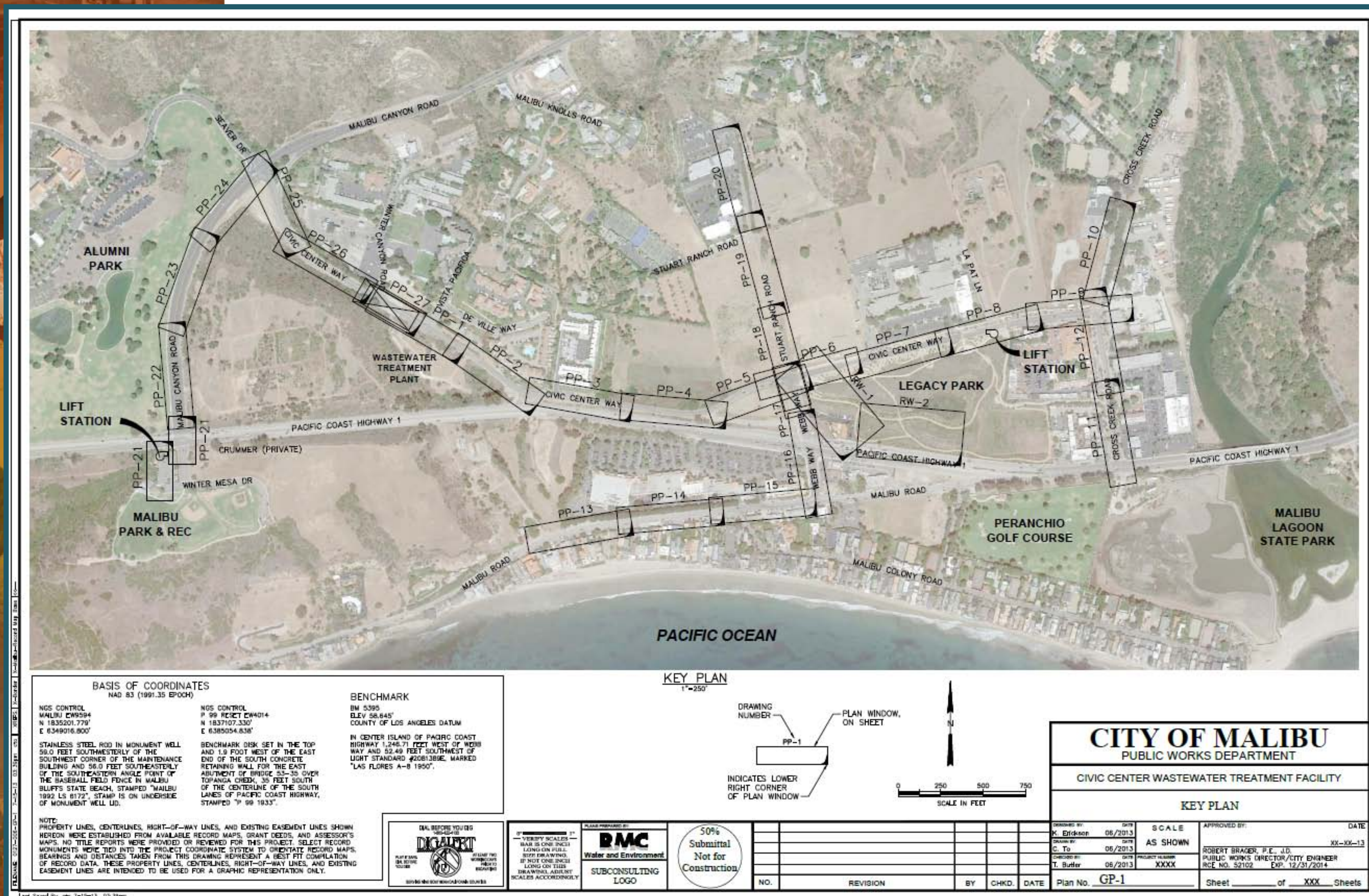
- SNMP
- GWMP

V. Conclusions/Next Steps/Future Meetings

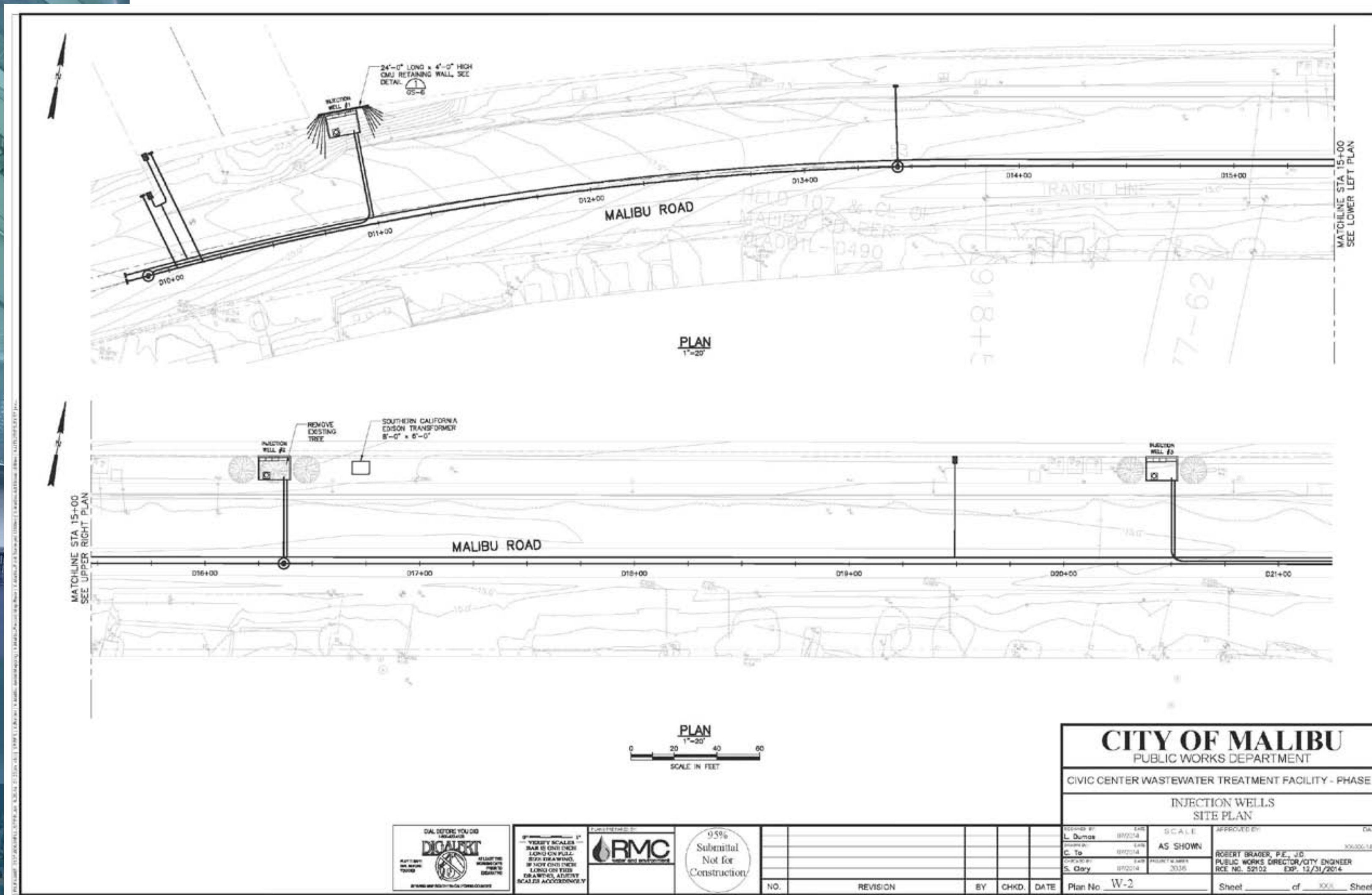
Treatment Plant Design 99⁺% Complete



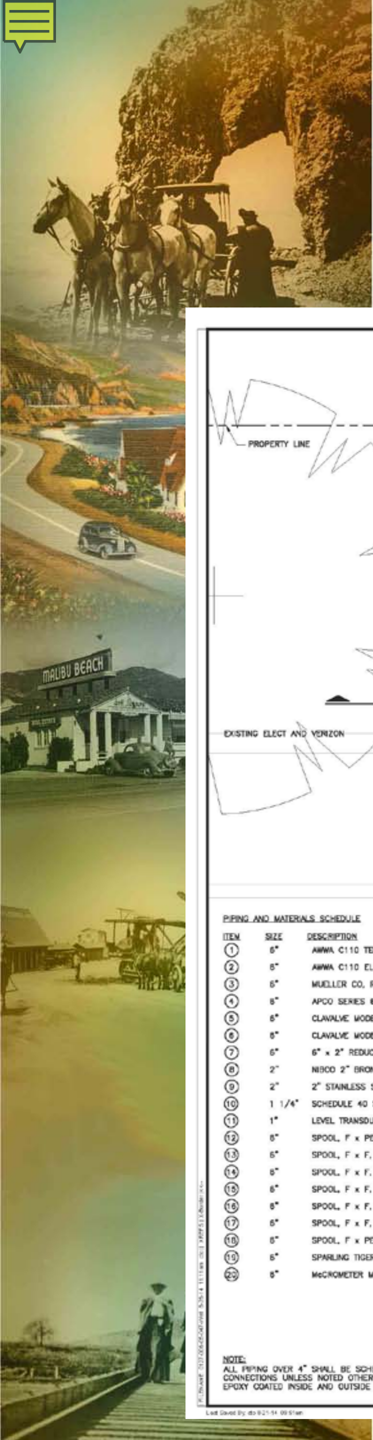
Pipeline Designs 99⁺% Complete

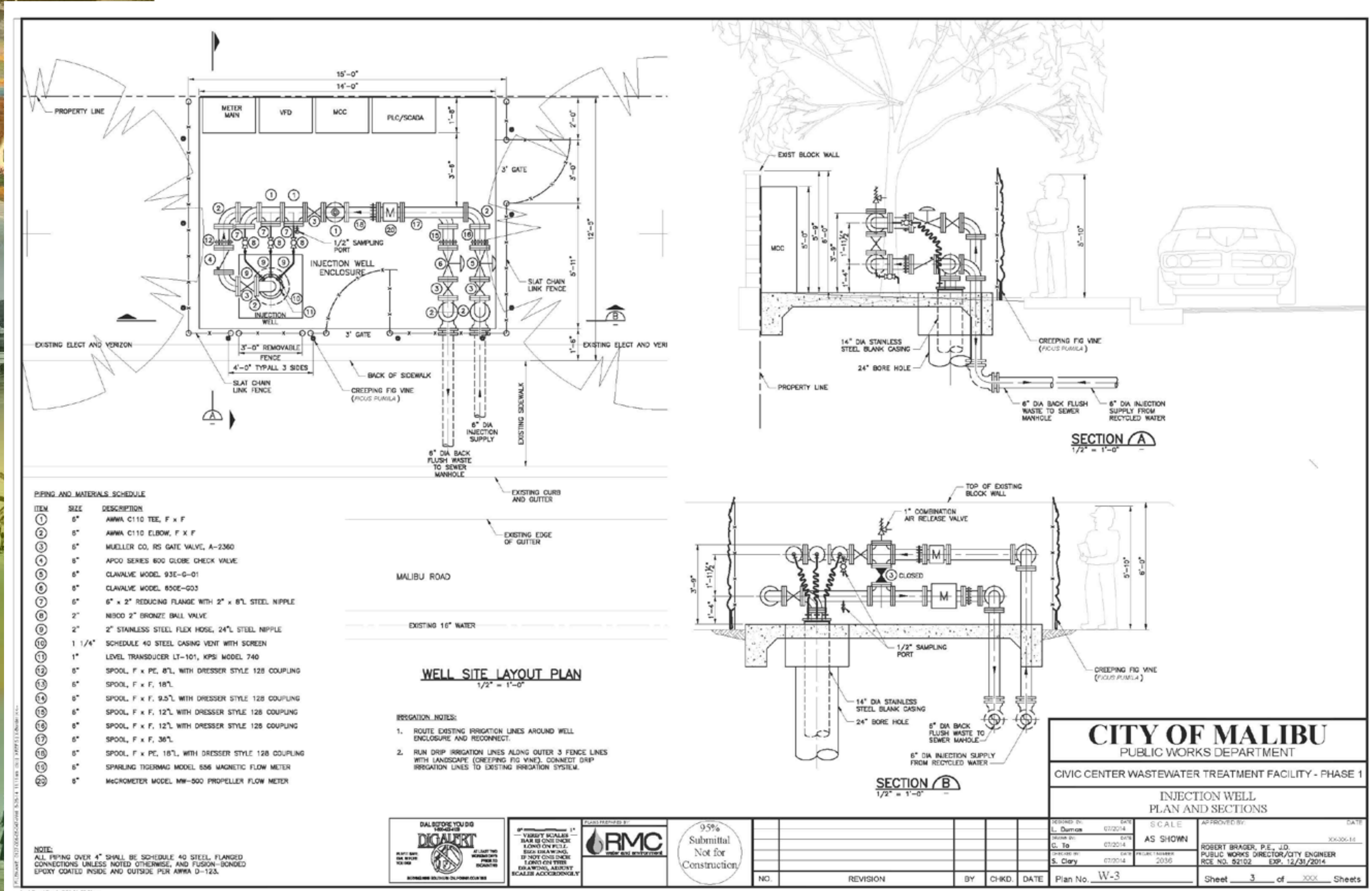


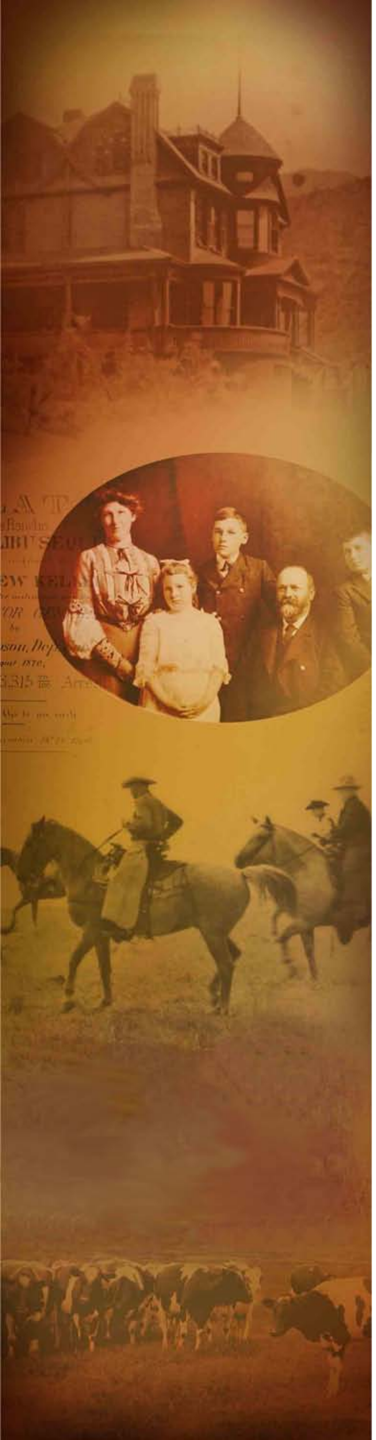
Injection Wells have been Located



Injection Well Design 99+% Complete







Remaining Design Issues

- Connection details at City parcels
- Final specification compilation
- Final QA/QC check
- Waste Discharge Requirements (WDR)
  - Under development at RWQCB

Meeting Agenda

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- SNMP
- GWMP

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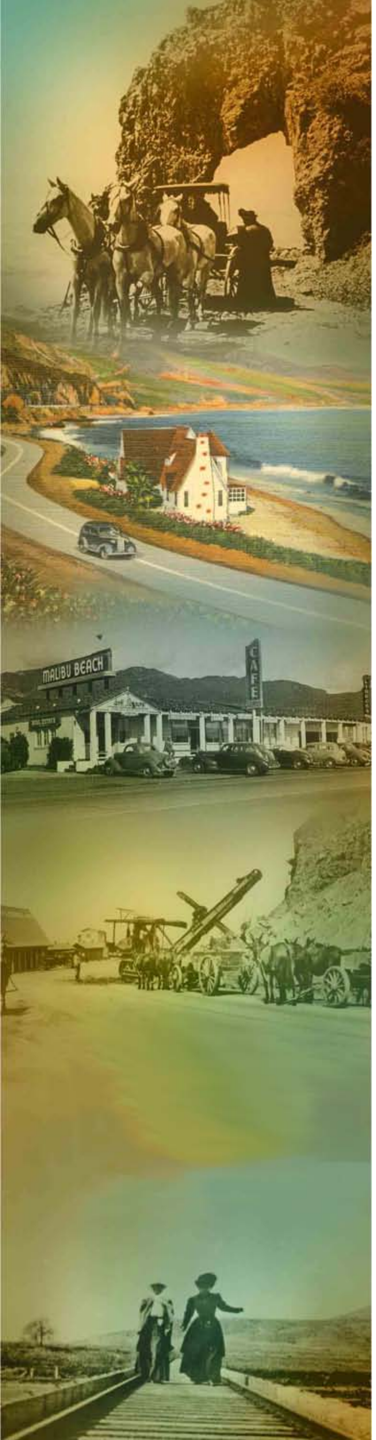
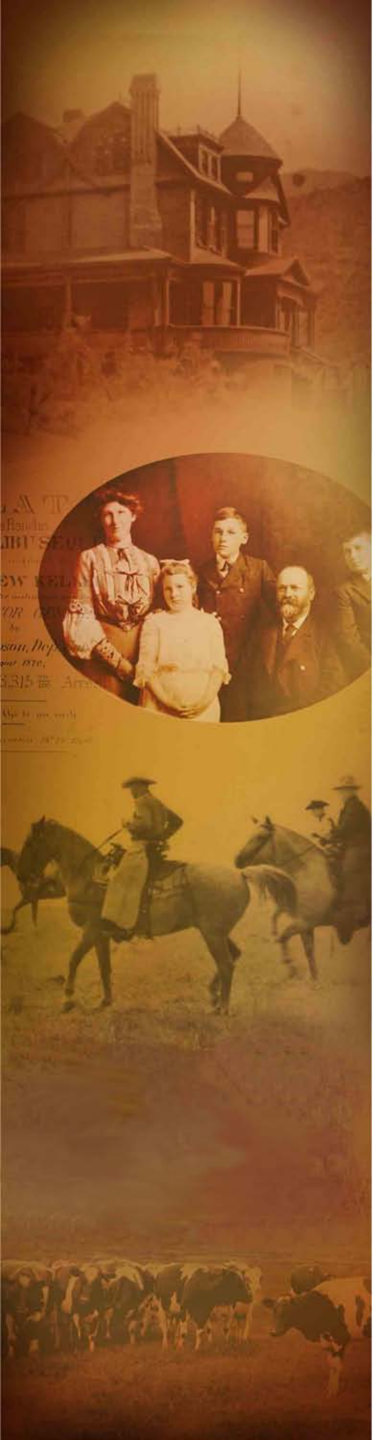
EIR Status

- Release Dates
  - Public Draft EIR - May 30th
  - Recirculated Draft EIR - June 12th
  - Draft Final EIR - November 20th
  - Draft FEIR Errata - December 19th
- 32 sets of comments received
- Meeting dates
  - Planning Commission - December 15th
  - City Council – January 12th
    - FEIR certification
    - Coastal Development Permit approval
    - Local Coastal Program amendment
    - Zoning Text amendment



Primary Permits

- Coastal Development Permit (CDP)
- Water Reclamation Requirements (WRR)/Waste Discharge Requirements (WDR)
- Salt-Nutrient Management Plan (SNMP)



Coastal Development Permit

- Coastal Development Permit to be approved by City Council on January 12th

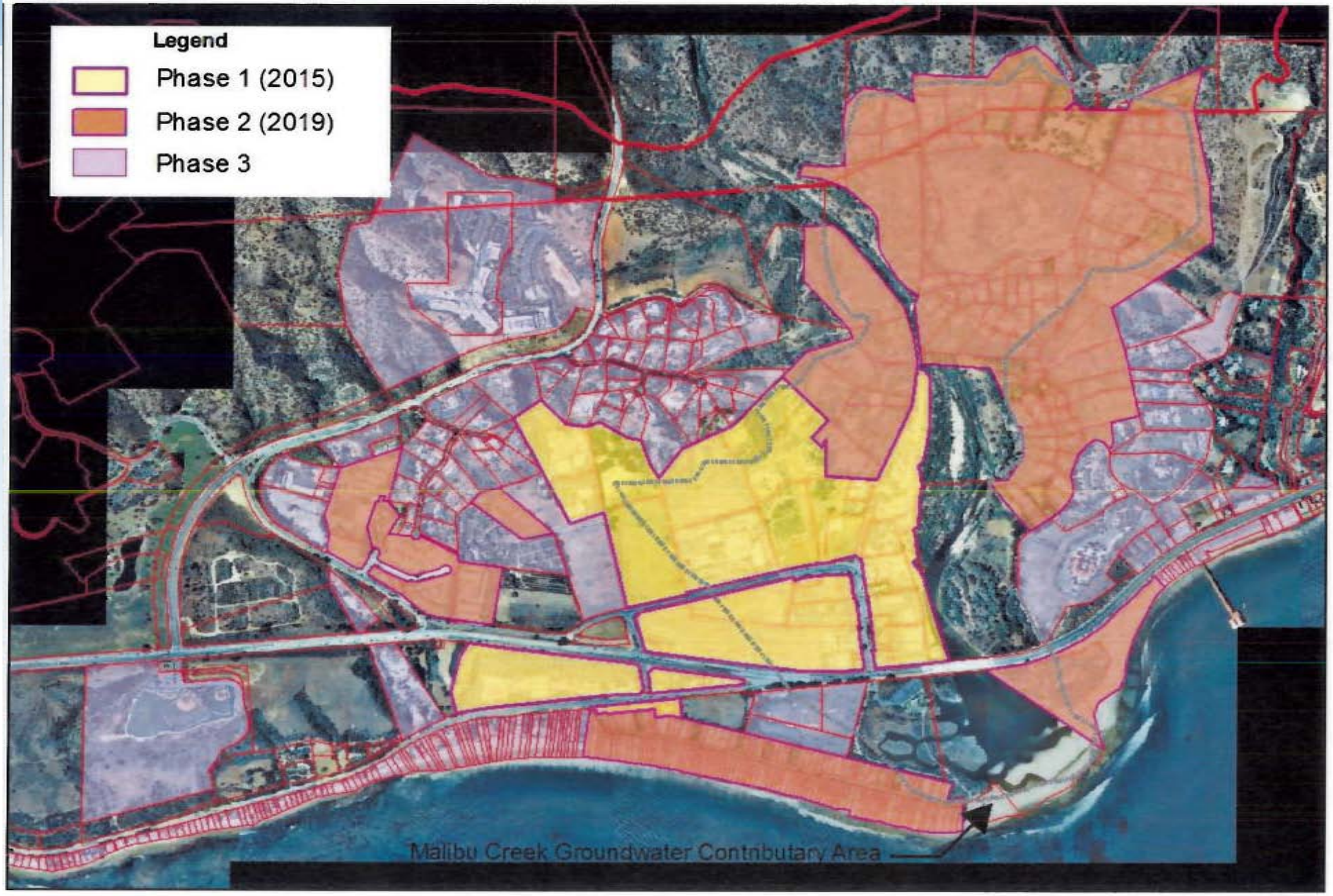
- Draft LCP Amendment and Zoning Text Amendment to be approved by City Council on January 12th

Waste Discharge Requirements and Water Recycling Requirements for Malibu Civic Center Wastewater Treatment Facility

Malibu TAC Meeting
Malibu City Hall, January 8, 2015

Regional Water Quality Control Board
Los Angeles Region

Figure 1 – Civic Center Wastewater Treatment Facility Phasing Options



Recycled Water Application and Discharge Limits

Design Capacities of Civic Center Facility

- Phase I: 191,000 GPD
- Phase II: 361,000 GPD

Treated Effluent Applications

- Recycled water for landscape irrigation
- Disposal via groundwater injection with discharge limits:
  Phase I: 191,000 GPD
  Phase II: 361,000 GPD
- Groundwater percolation as backup
  Phase I: 50,000 GPD
  Phase II: 100,000 GPD

Water Quality Requirements - Effluent/Recycled Water Limits

Constituents	Units	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Minimum	Instantaneous Maximum
Oil and grease	mg/L	10	---	15	---	---
TSS	mg/L	15	40	45	---	---
	%removal	≥85	---	---	---	---
pH	pH units	---	---	---	6.5	8.5
$BOD_{5@20°c}$	mg/L	20	30	45	---	---
	%removal	≥85	---	---	---	---
MBAS	mg/L	0.5	---	---	---	---
Nitrate + Nitrite as Nitrogen	mg/L	8	---	---	---	---
Nitrate as Nitrogen	mg/L	8	---	---	---	---
Nitrite as Nitrogen	mg/L	1	---	---	---	---

Water Quality Requirements - Effluent/Recycled Water Limits

Constituents	Units	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Minimum	Instantaneous Maximum
TDS	mg/L	2,000	---	---	---	---
Sulfate	mg/L	500	---	---	---	---
Chloride	mg/L	500	---	---	---	---
Boron	mg/L	2.0	---	---	---	---
Total Coliform	MPN/100ml	23	2.2	---	---	240
Turbidity	NTU	---	---	0.2/1.2hs	---	0.5

MCLs:

- Primary MCLs for:
  Inorganic chemicals, Radionuclides, Regulated organic chemicals and disinfection byproducts
- Secondary MCLs for:
  Color, Corrosivity, MBAS, Al, Cu, Fe, Mg, Ag, Zn, MTBE, odor and thiobencarb

Water Quality Requirements - Groundwater Limits

Constituents	Units	Monthly Average	7-day Average	Single Sample Maximum
Nitrate + Nitrite as Nitrogen (for Civic Center Gravels)	mg/L	5	---	---
Nitrate + Nitrite as Nitrogen (for Shallow Alluvium)	mg/L	10		
Total Dissolved Solids	mg/L	2,000	---	---
Sulfate	mg/L	500	---	---
Chloride	mg/L	500	---	---
Boron	mg/L	2.0	---	---
Total Coliform	MPN/100mL	---	1.1	---
Fecal Coliform	MPN/100mL	---	1.1	---

Monitoring and Reporting Program – Effluent Monitoring

Constituents	Minimum Frequency of Analysis
Total Flow	Continuous
Turbidity	1.2 Hours
pH, Total Coliform, Fecal Coliform, Residual Chlorine	Daily
$BOD_{5@20^\circ C}$, Total Suspended Solids, Nitrate + Nitrite as Nitrogen, Nitrate as Nitrogen, Nitrite as Nitrogen, Ammonia Nitrogen, Organic Nitrogen, Total Nitrogen	weekly
Oil and Grease, Total Phosphorus, Total Dissolved Solids, Sulfate, Chloride, Boron, MBAS	Monthly
Inorganic and Organic Chemicals, Radioactivity, Disinfection Byproducts, Secondary Maximum Contaminant Levels	Quarterly
CECs, Priority Pollutants	Annually

Figure 2 - Groundwater Monitoring Locations of Groundwater Monitoring Wells and Injection Wells

Monitoring and Reporting Program – Baseline Groundwater Monitoring

Constituents	Minimum Frequency of Analysis
Water level elevation, pH, $BOD_{5@20°C}$, Turbidity, Total Coliform, Fecal Coliform, Total Suspended Solids, Residual Chlorine, Total Organic Carbon, Oil and grease, Nitrate + Nitrite as Nitrogen, Nitrate as Nitrogen, Nitrite as Nitrogen, Ammonia Nitrogen, Organic Nitrogen, Total Nitrogen, Total Phosphorus, Total Dissolved Solids, Sulfate, Chloride, Boron, MBAS, CECs, Priority Pollutants, Inorganic and Organic Chemicals, Radioactivity, Disinfection Byproducts, Secondary Maximum Contaminant Levels	Annually

Monitoring and Reporting Program – Long-Term Groundwater Monitoring

Constituents	Minimum Frequency of Analysis
Water level elevation, pH, $BOD_{5@20^{\circ}C}$, Turbidity, Total Coliform, Fecal Coliform, Total Suspended Solids, Residual Chlorine, Total Organic Carbon, Oil and grease, Nitrate + Nitrite as Nitrogen, Nitrate as Nitrogen, Nitrite as Nitrogen, Ammonia Nitrogen, Organic Nitrogen, Total Nitrogen, Total Phosphorus, Total Dissolved Solids, Sulfate, Chloride, Boron, MBAS	Quarterly
Inorganic and Organic Chemicals, Radioactivity, Disinfection Byproducts, Secondary Maximum Contaminant Levels, CECs, Priority Pollutants	Annually

Figure 3 – Surface Water Monitoring Locations of Surface Water Monitoring Stations

Monitoring and Reporting Program – Surface Water Monitoring

Constituents	Minimum Frequency of Analysis
Total Coliform, Fecal Coliform, Nitrate as Nitrogen, Nitrite as Nitrogen, Ammonia nitrogen, Organic Nitrogen, Total Phosphorus	Quarterly

Important Dates

- The public comment period ends at 5:00 pm on **January 30, 2015**.

- The Regional Board will consider the tentative WDRs/ WRRs and comments thereon, at a public hearing to be held at 9:00 AM on **March 12, 2015**.

Meeting Agenda

I. Introductions

II. Update on Design
- Wastewater Treatment Plant
- Wastewater Collection System
- Recycled Water Distribution System
- Groundwater Injection System

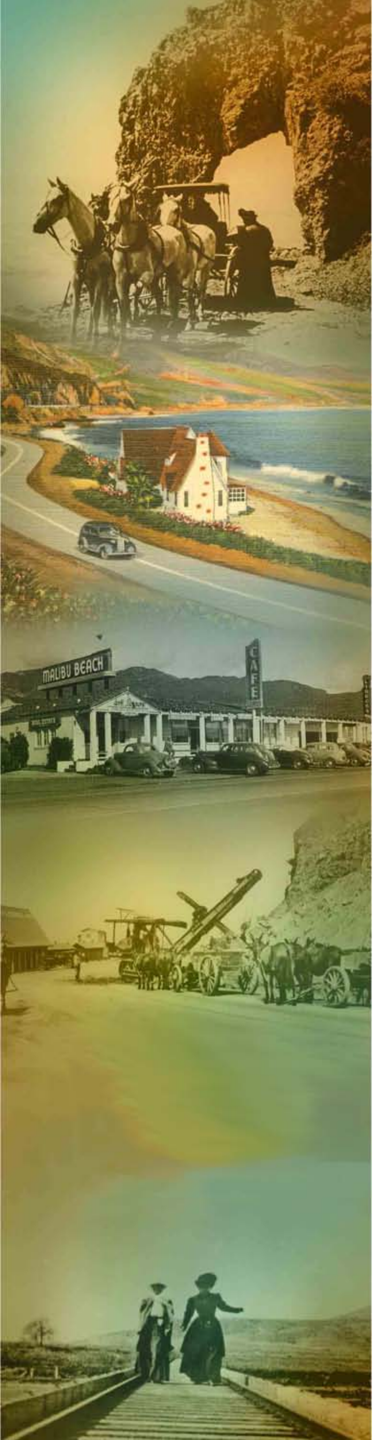
III. Permitting and CEQA Documentation
- EIR Status
- WRR/WDR Status

IV. SNMP-GWMP Status
- SNMP
- GWMP

V. Conclusions/Next Steps/Future Meetings

California's Recycled Water Policy Requires a SNMP

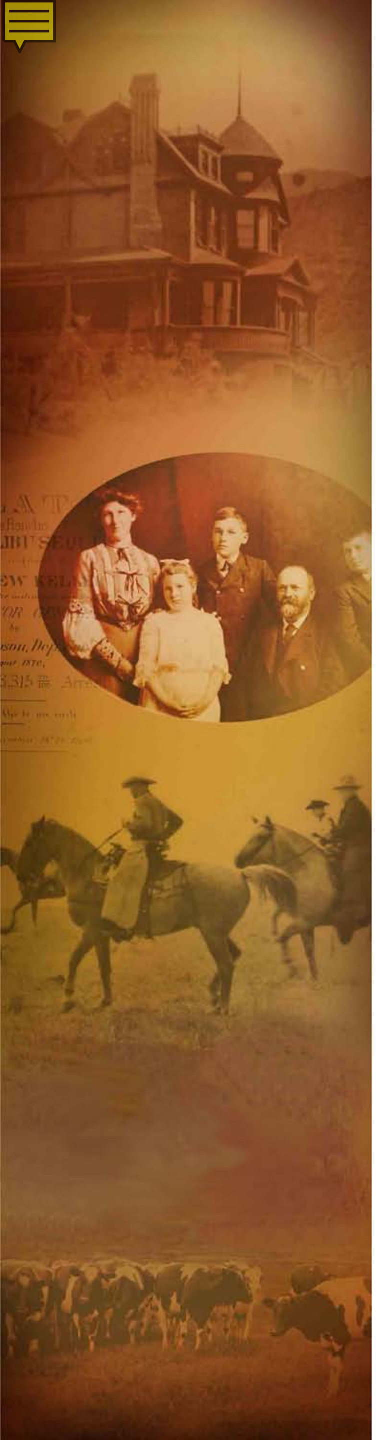
- Adopted by State Water Resources Control Board (SWRCB) in May 2009
- Requires development of SNMPs
- Provides for statewide regulatory consistency
- Goals are to promote recycled water use while protecting groundwater basins
- Stakeholder-driven development

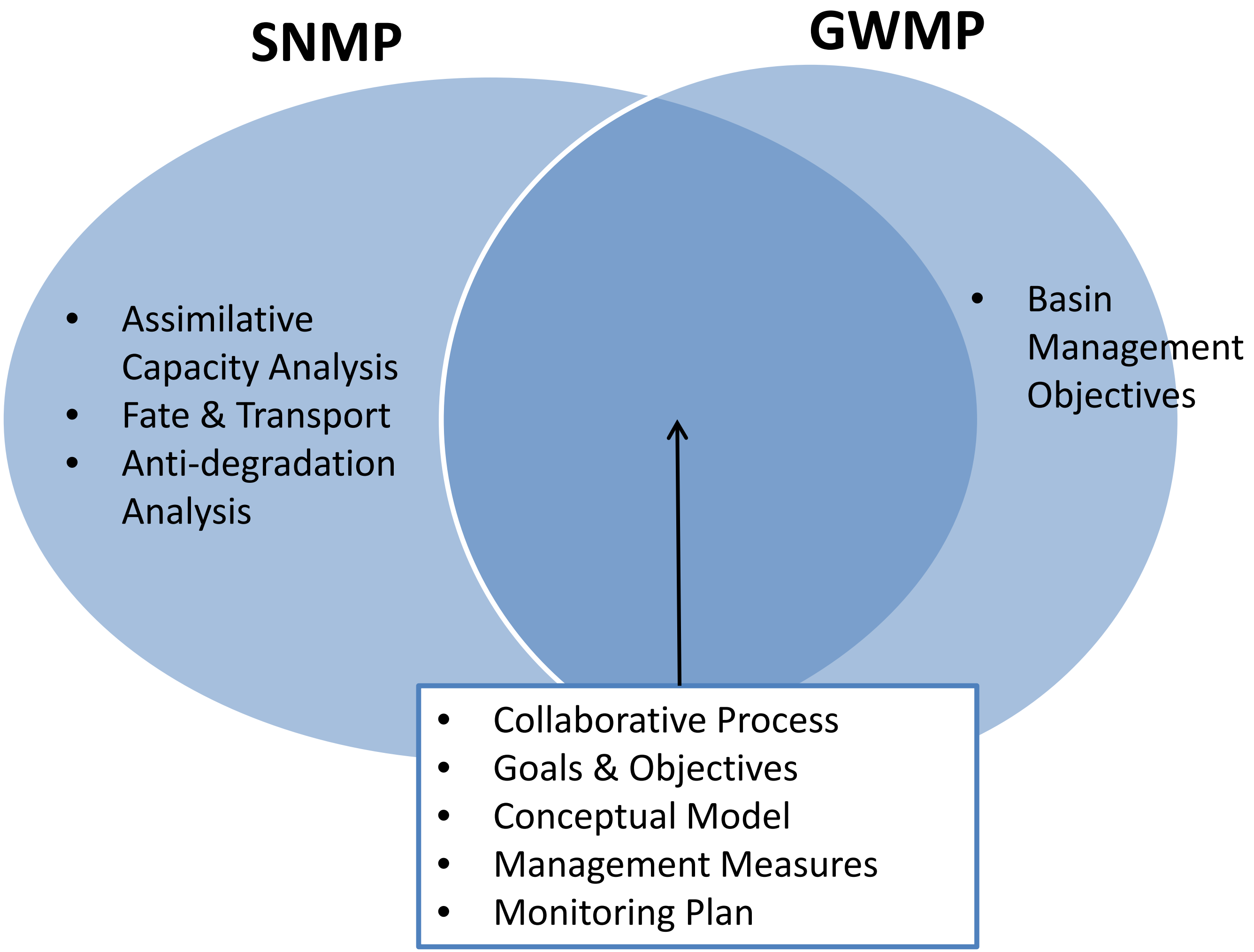


A Groundwater Management Plan is a Voluntary Effort

- **Required for state funding**
- Voluntary development under AB 3030 and SB 1938
- Identifies:
  - groundwater conditions
  - basin management goals & objectives
  - monitoring objectives
- Used to proactively manage the basin

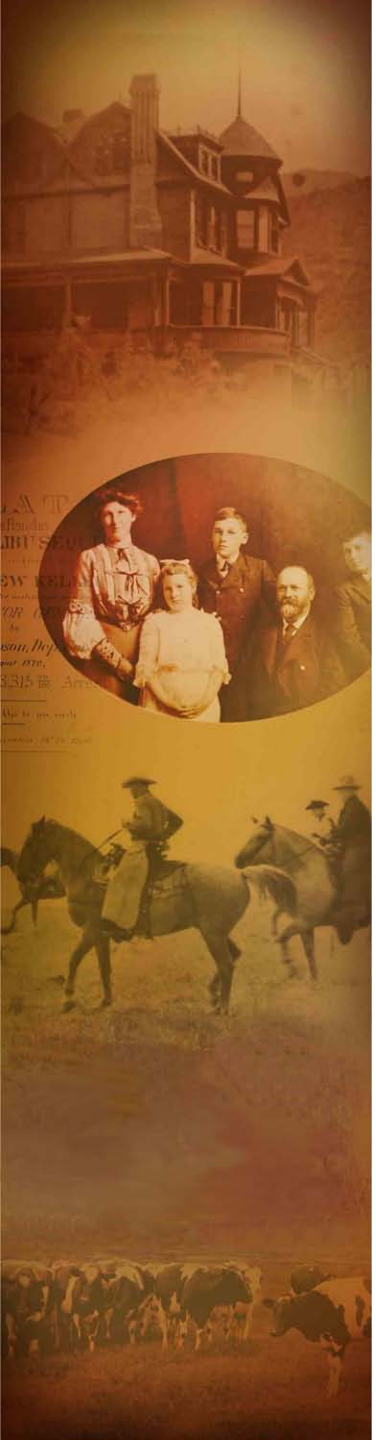
There is Significant Overlap between SNMP and GWMP





Salt & Nutrient Management Plan is a Regulatory Document

- Characterizes various sources of salts & nutrients
- Helps understand effects of salts and nutrient loading within the basin
- Used to proactively manage the basin in coordination with the Basin Plan
- RWQCB required to adopt SNMP into Basin Plan



Salt & Nutrient Management Plan Required Elements

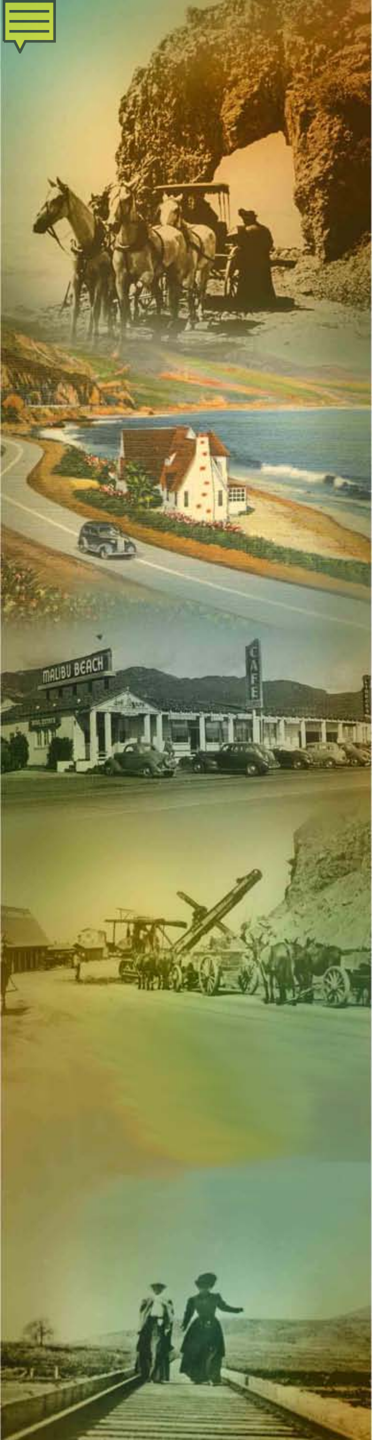
- Goals and objectives for water recycling and stormwater recharge
- Salt and nutrient source characterization
- Assimilative capacity analysis
- Anti-degradation analysis
- Basin management strategies
- Groundwater monitoring plan

Groundwater Management Plan <u>Mandatory Components</u>, Water Code §10750 et seq.

- Public and agency involvement
- Map of groundwater basin
- Basin management objectives (BMOs)
- Monitoring program and protocols

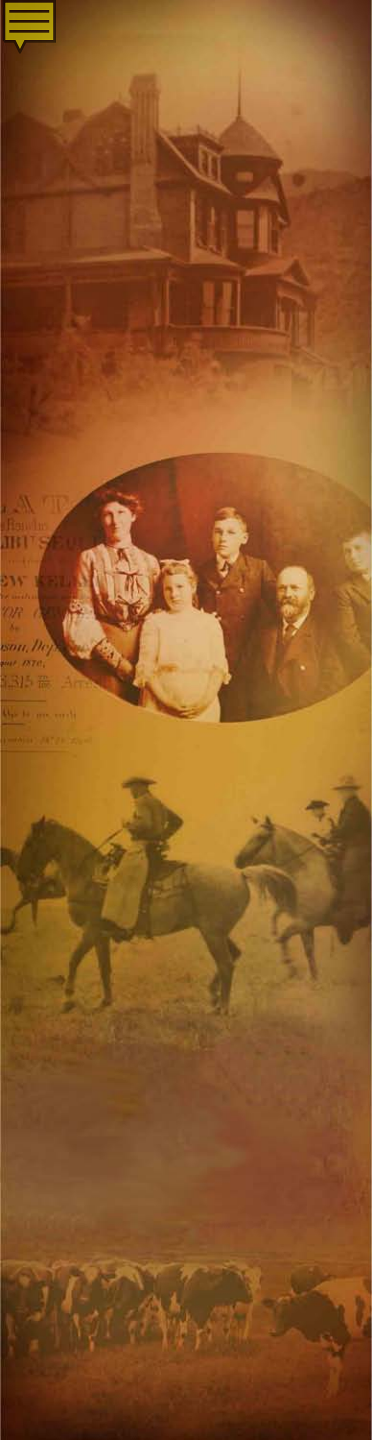
Groundwater Management Plan <u>Voluntary Components</u>, Water Code §10750 et seq.

- Control of saline intrusion
- Wellhead protection areas and recharge areas
- Mitigation of overdraft
- Groundwater replenishment
- Monitoring of groundwater levels and storage
- Implementation of groundwater programs
- Develop relationships with state and federal agencies
- Land use plan review



Basin Management Objectives (for both SNMP and GWMP)

- Avoid groundwater overdraft and associated undesirable effects
- Protect surface water resources
- Minimize impacts on local water resources
- Minimize impacts on groundwater quality



Quantitative Water Recycling Objectives

	Current RW Use in GW Basin	Future RW Use in GW Basin (2035)
Water District 29 – (2010 UWMP)	0 AFY	0 AFY
City of Malibu (Irrigation)	0 AFY	140 AFY
City of Malibu (Recharge)	30 AFY	428 AFY

Based on UWMP and existing planning studies

Qualitative Stormwater Recharge/Use Objectives

- Low Impact Development (LID) requirements
- Recharge zones protection
- Drainage management areas
- Bioretention required in new development

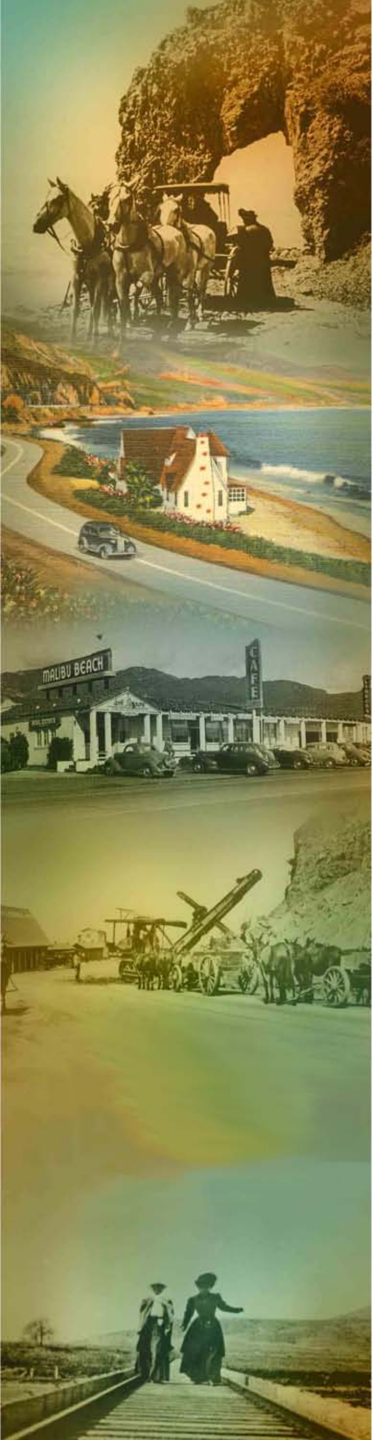
Steps to Developing a SNMP

Step 1: Quantify Future Impacts to Basin

- Identify indicator constituents
- Establish management areas (if applicable)
- Establish ambient groundwater quality
- Determine loading to groundwater basin
- Simulate impacts from loading over 30 year planning period
- Identify potential impacts to basin

Step 2: Select basin management strategies

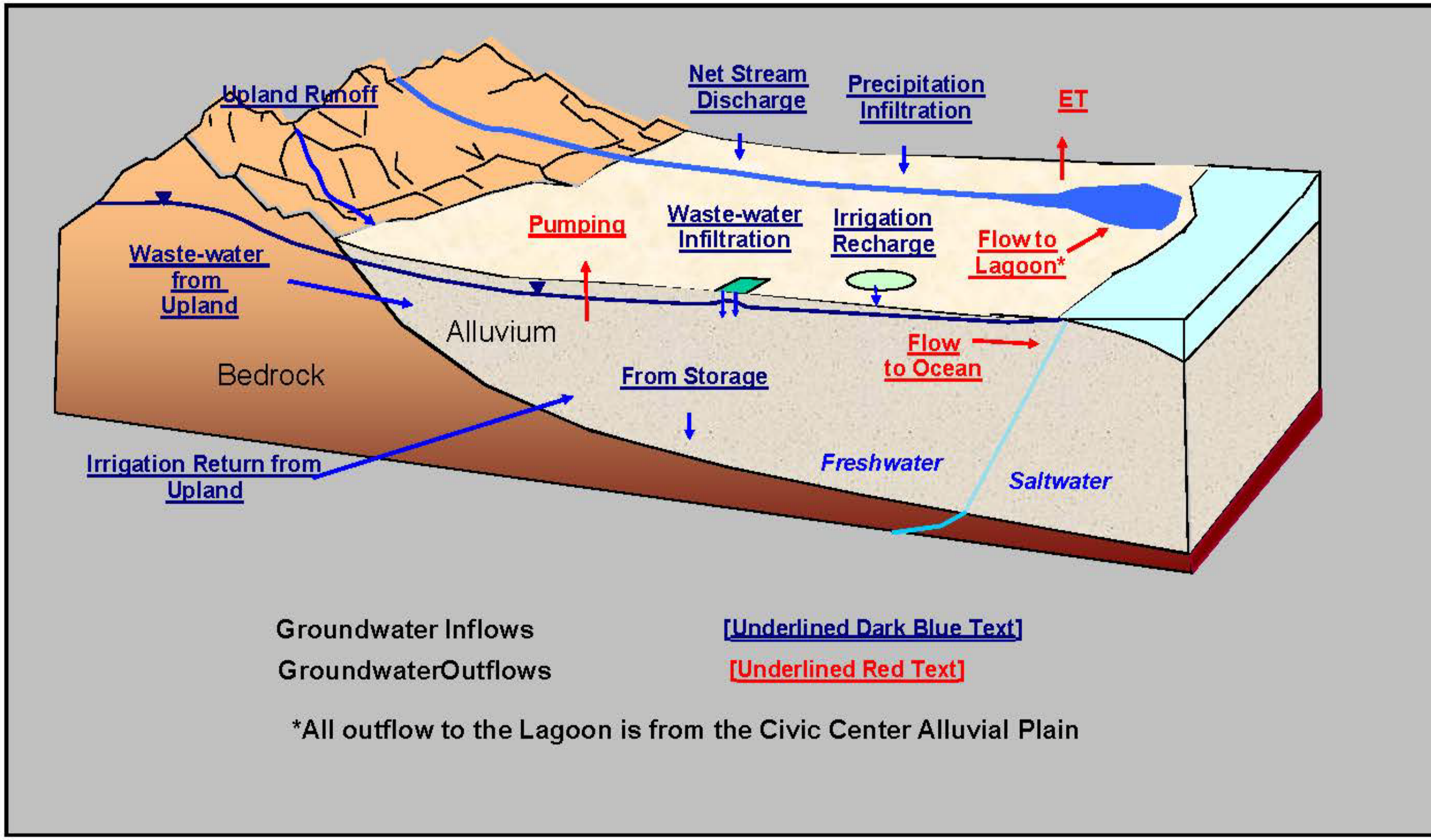
Step 3: Develop implementation plan



Analysis Focused on TDS and Nitrate (as N)

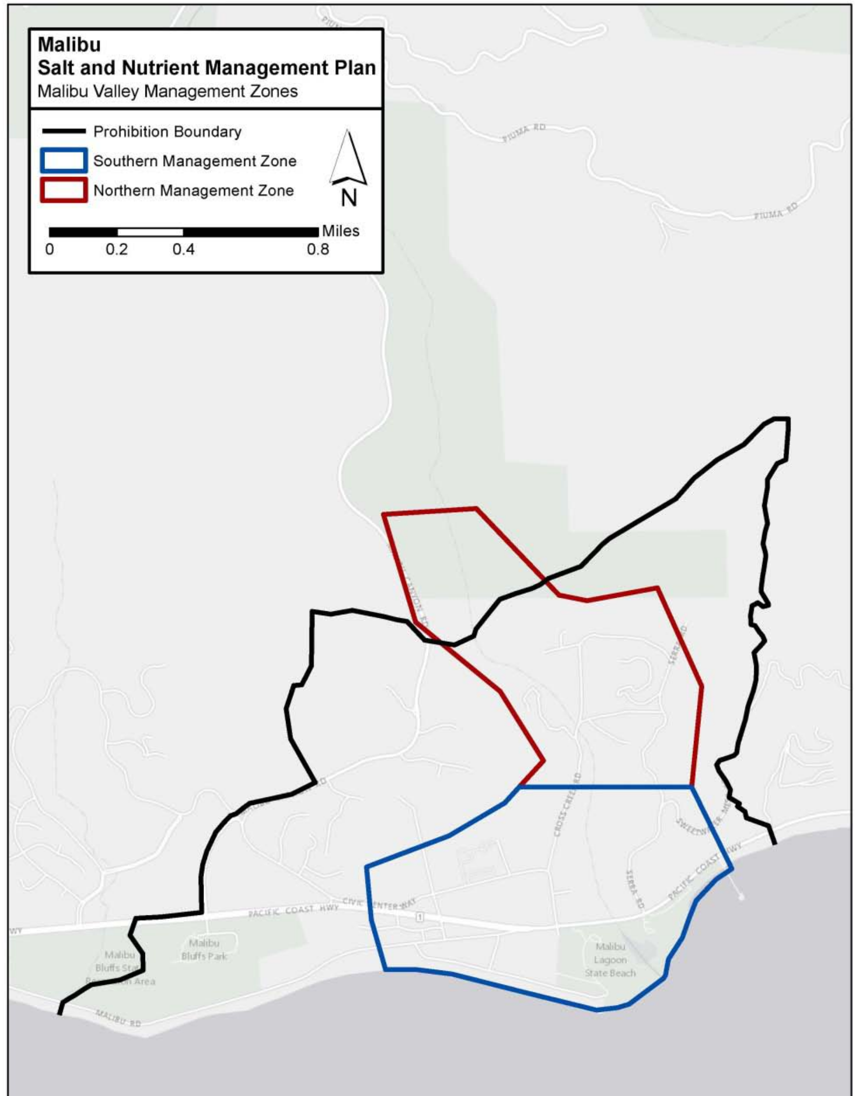
- Represent salts and nutrients entering basin
- Commonly used as indicator constituents in other SNMPs
- CECs addressed qualitatively

Groundwater Basin Characterization – Conceptual Model

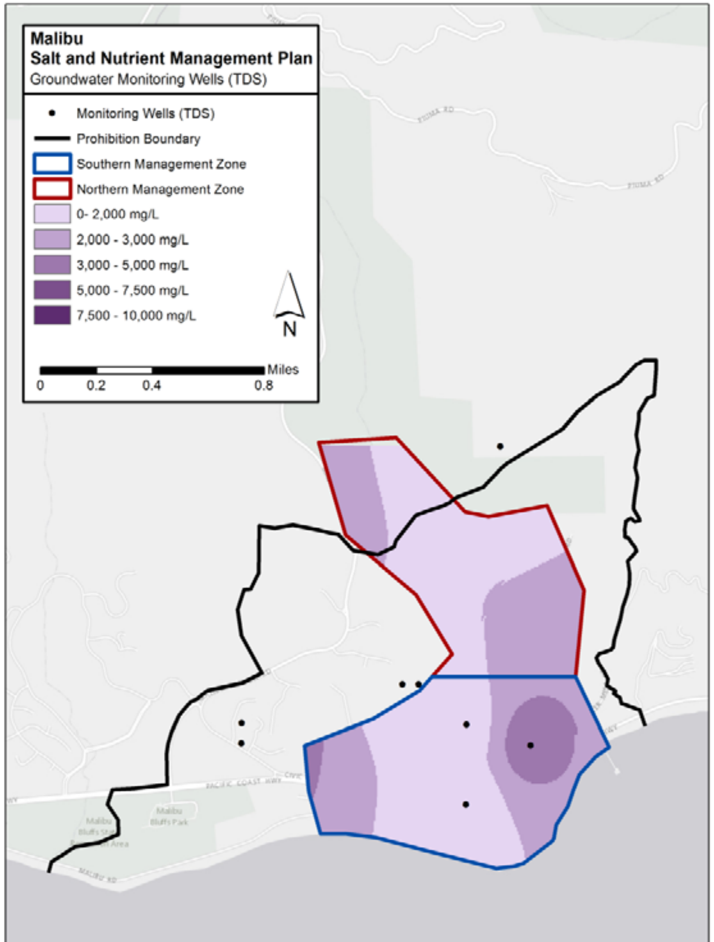


Source: Malibu16_PEST

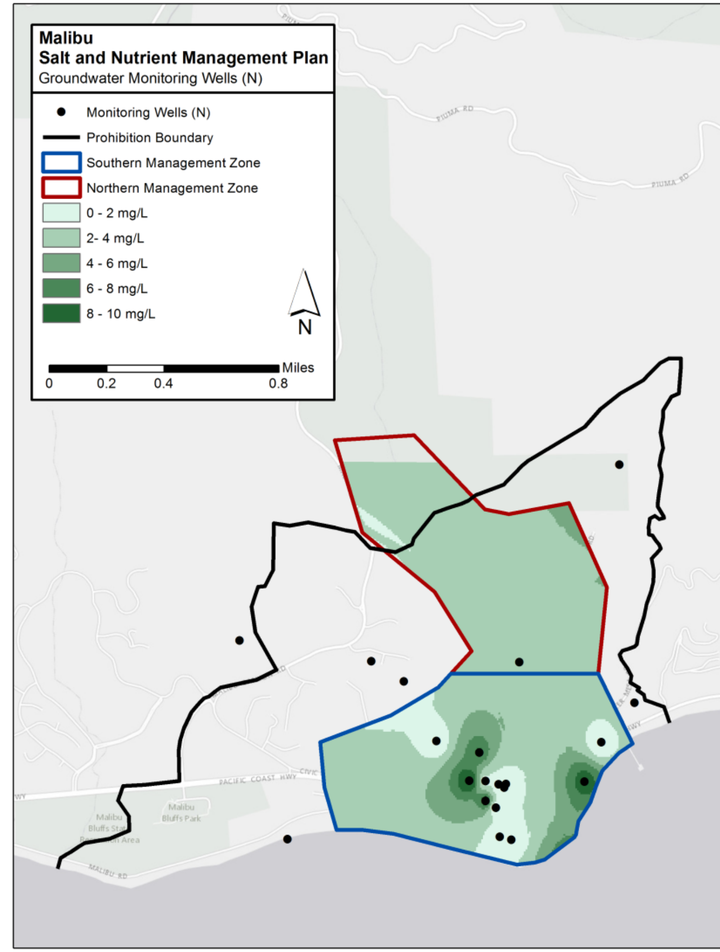
Management Areas used at Request of LARWQCB



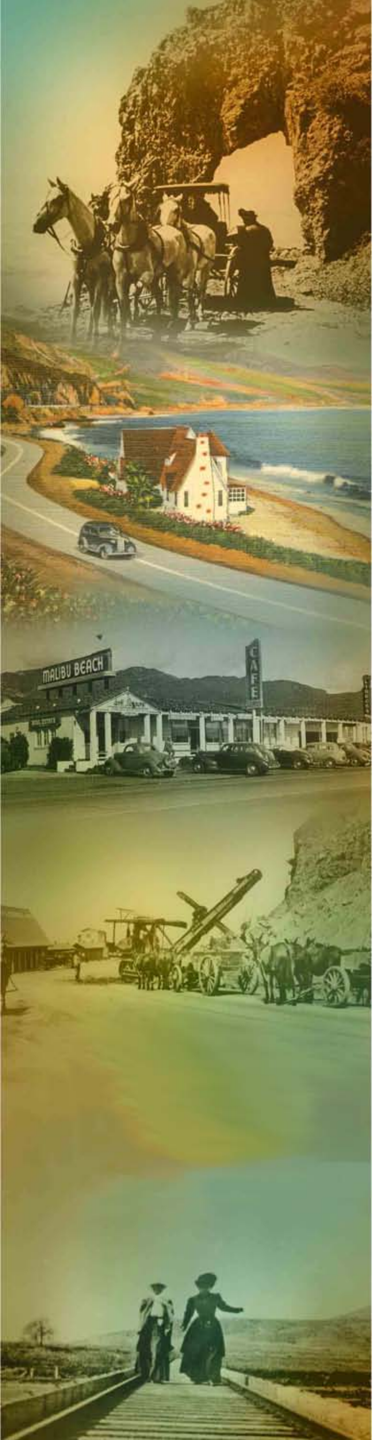
Ambient Groundwater Conditions for Indicator Constituents



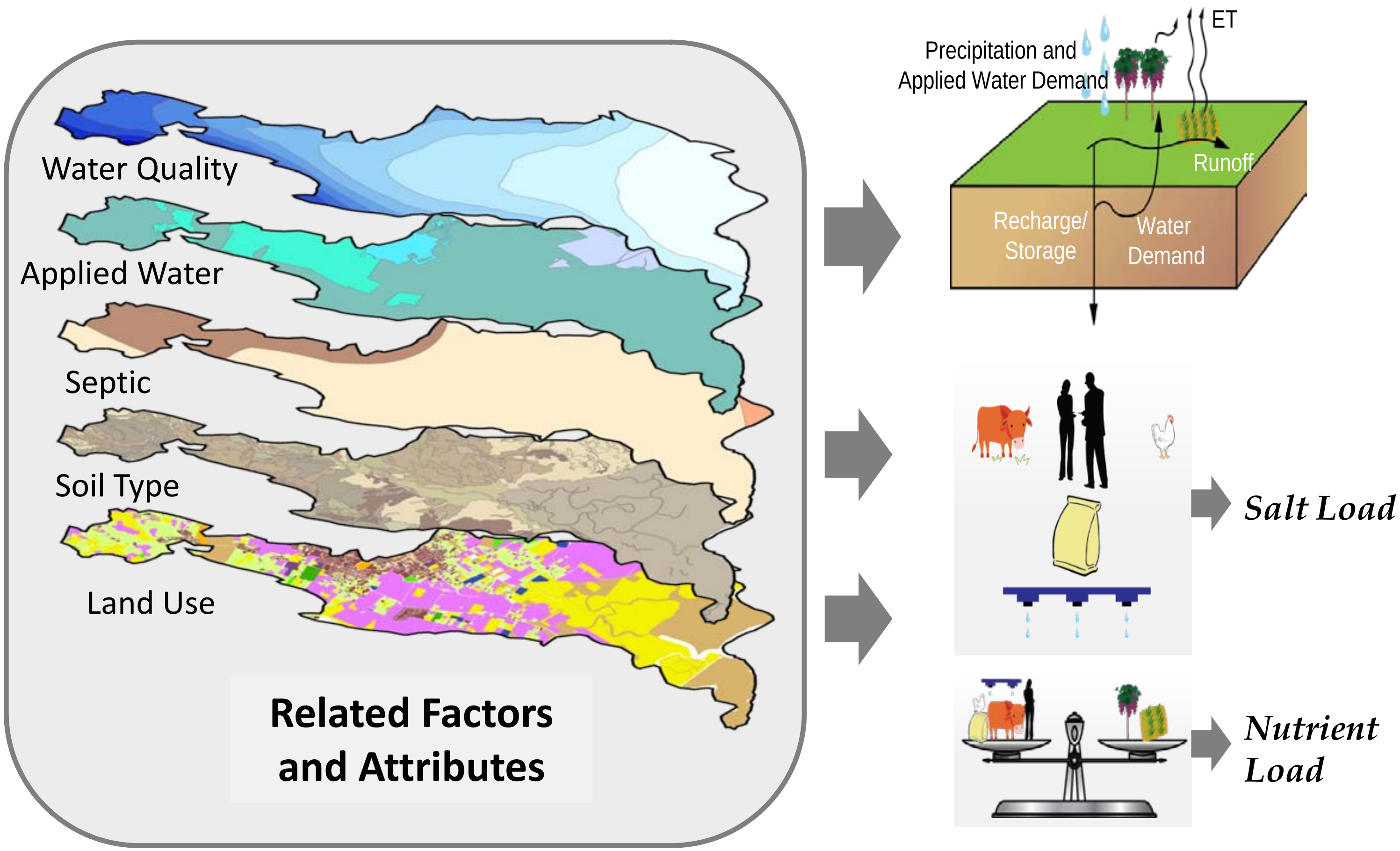
Total Dissolved Solids

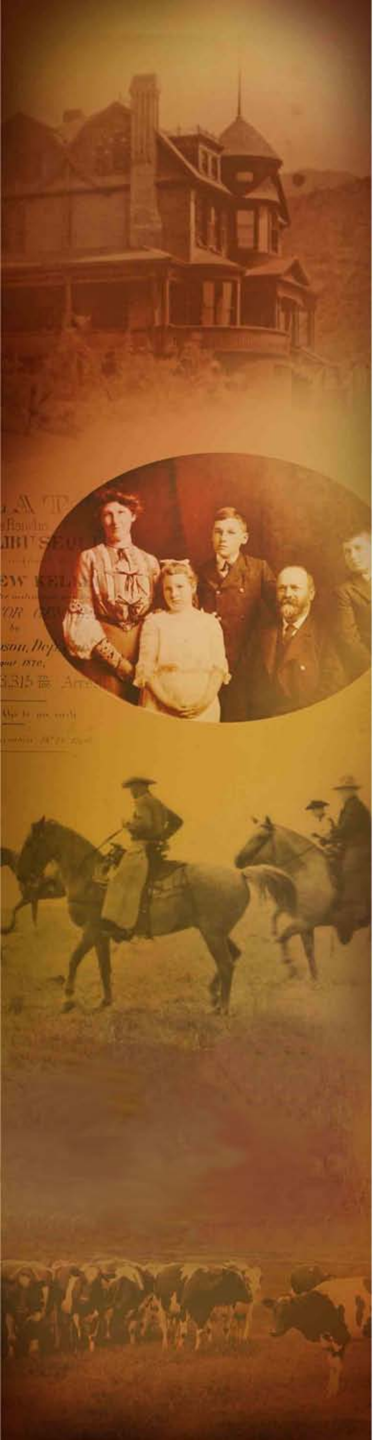


Nitrate as N



Basin Characteristics Are Analyzed to Yield Load Estimates

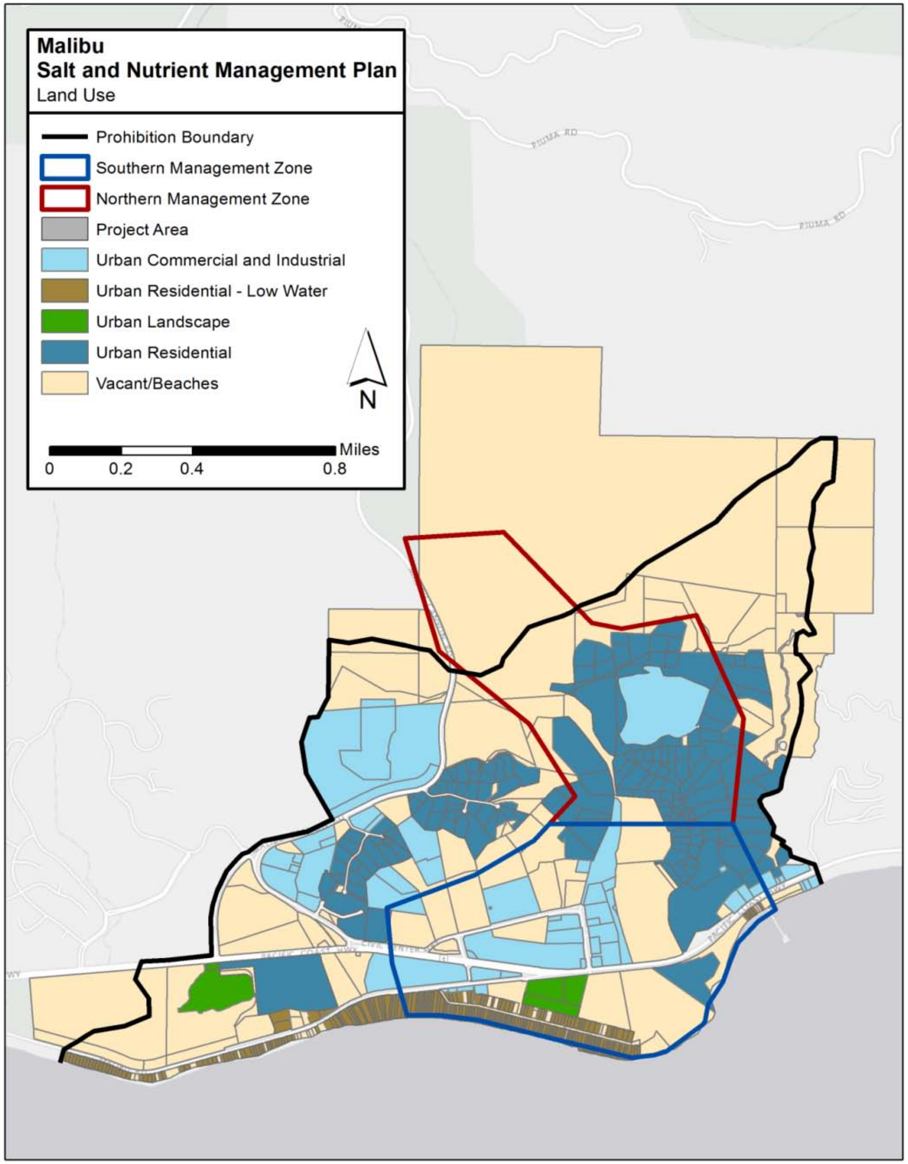




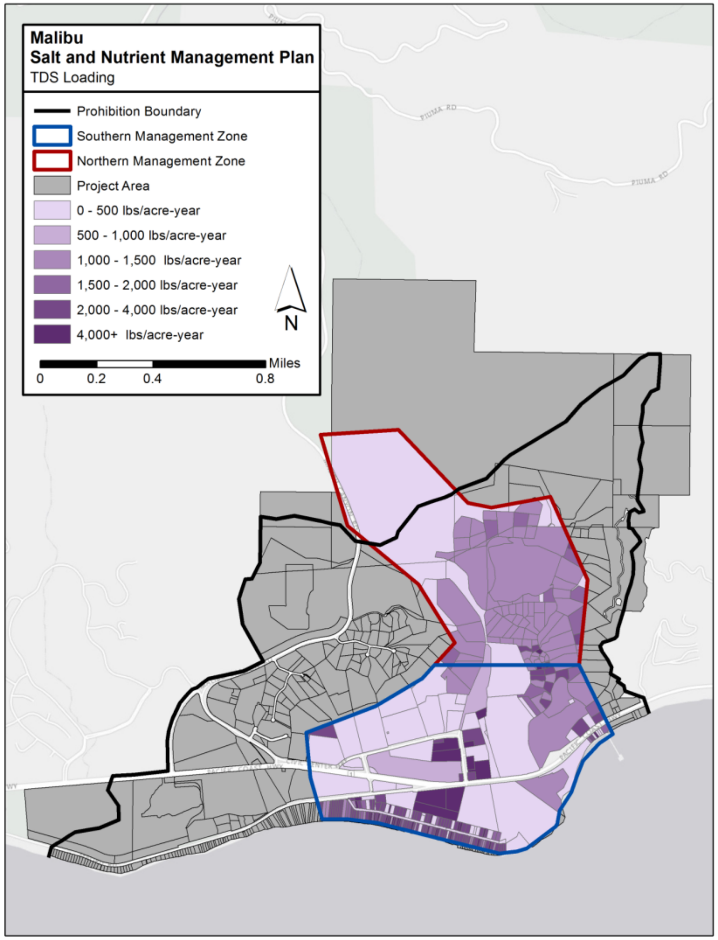
Data Inputs to Loading Analysis

- Land Use
- Applied Water Source/Quality
- Ocean Water Quality
- Septic Systems (locations and loading)
- Wastewater/Recycled Water Infrastructure
- Soil Textures

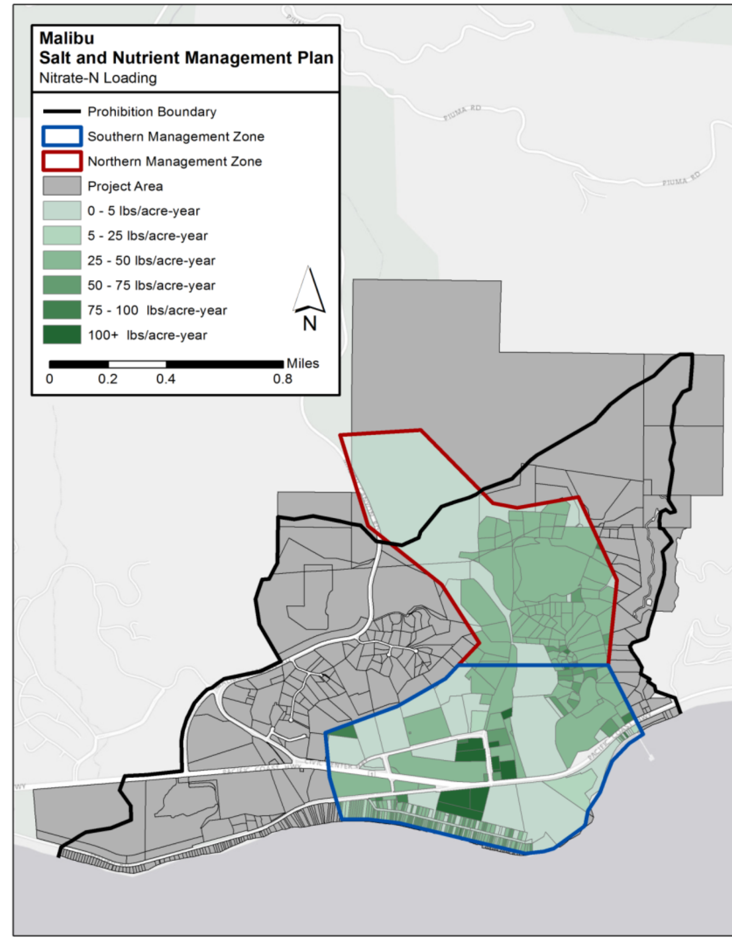
Land Use was Key Factor in Loading



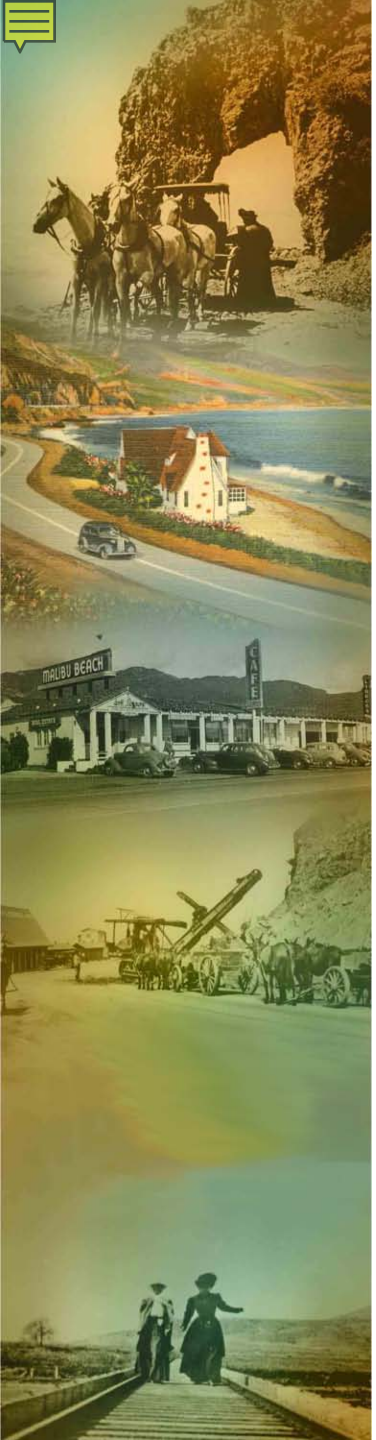
Loading Model Results



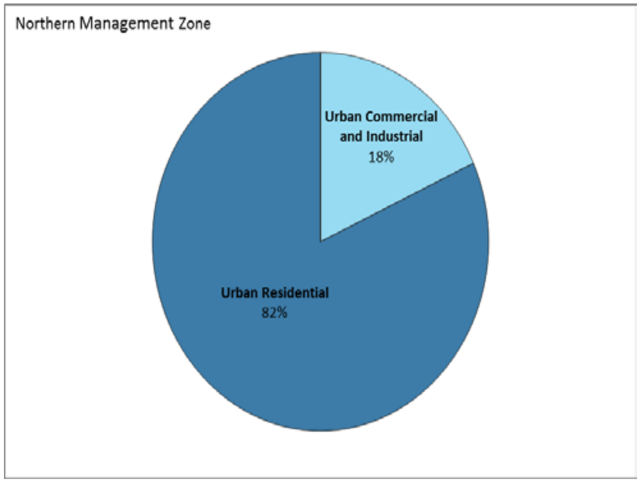
Total Dissolved Solids

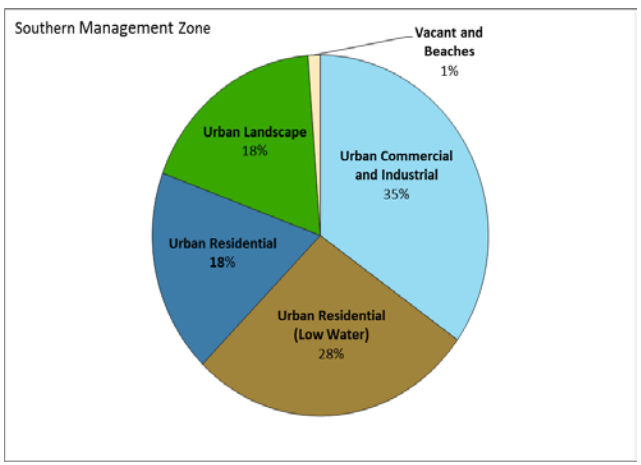


Nitrate as N

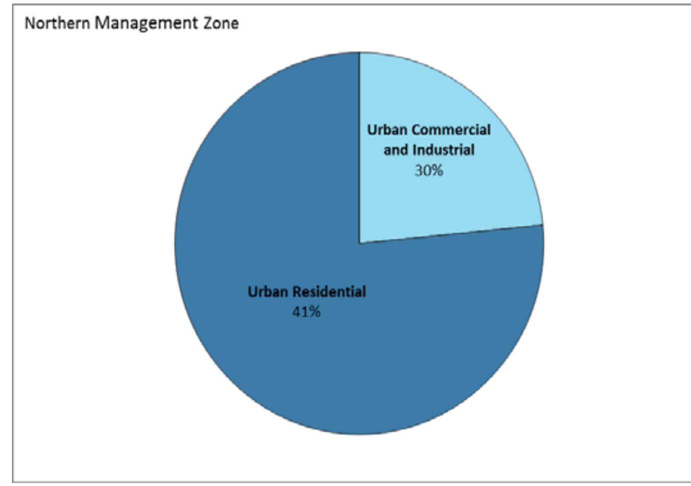


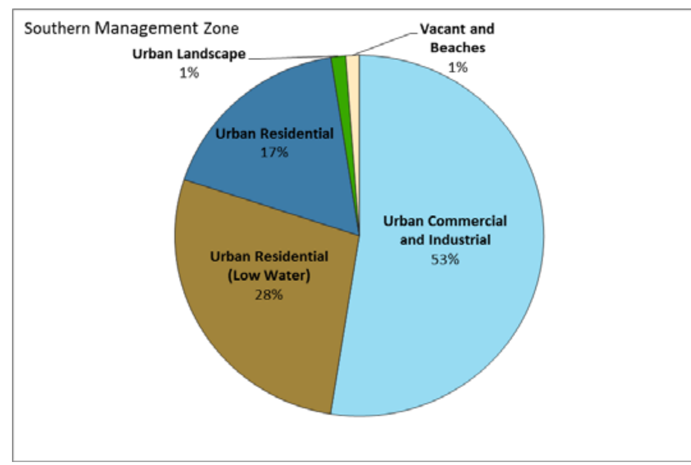
Loading Model Results – Percent of Loading by Land Use



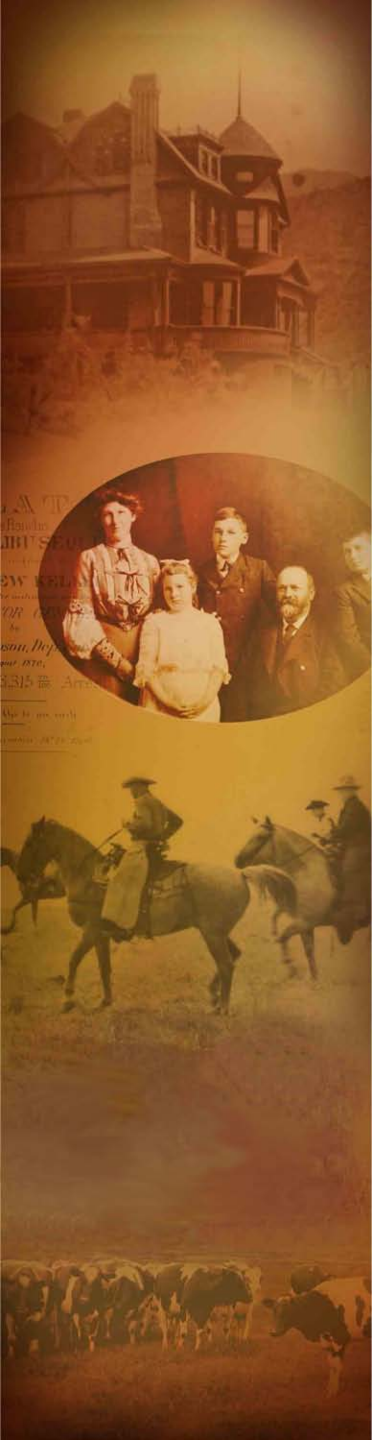


Total Dissolved Solids





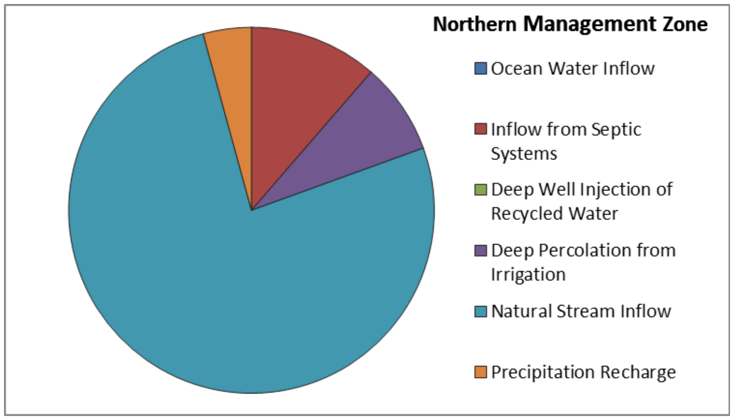
Nitrate as N

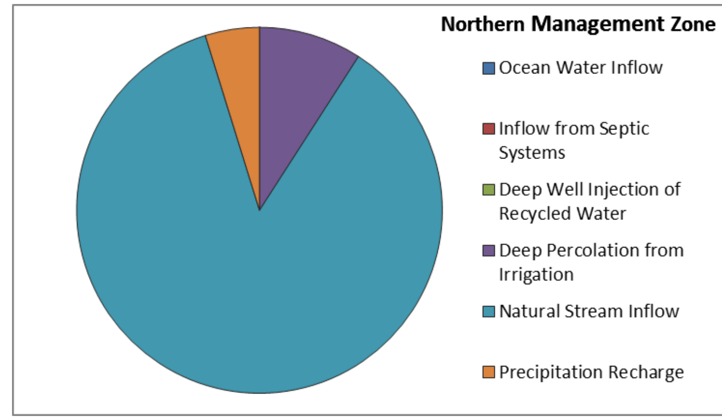


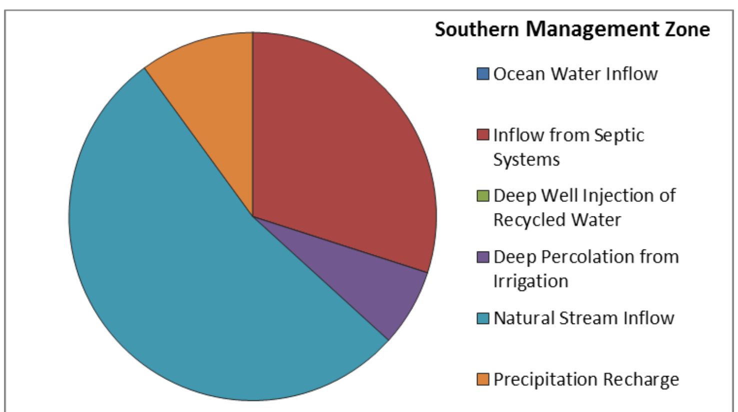
Mixing Model was Used to Predict Future Groundwater Quality

- Analysis conducted for each project phase
- No Project scenario evaluated assuming build-out conditions
- Water balance data from MODFLOW model

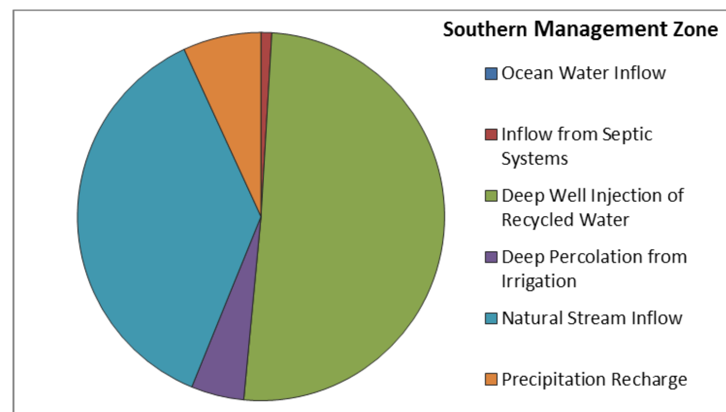
Inflows to Basin by Component





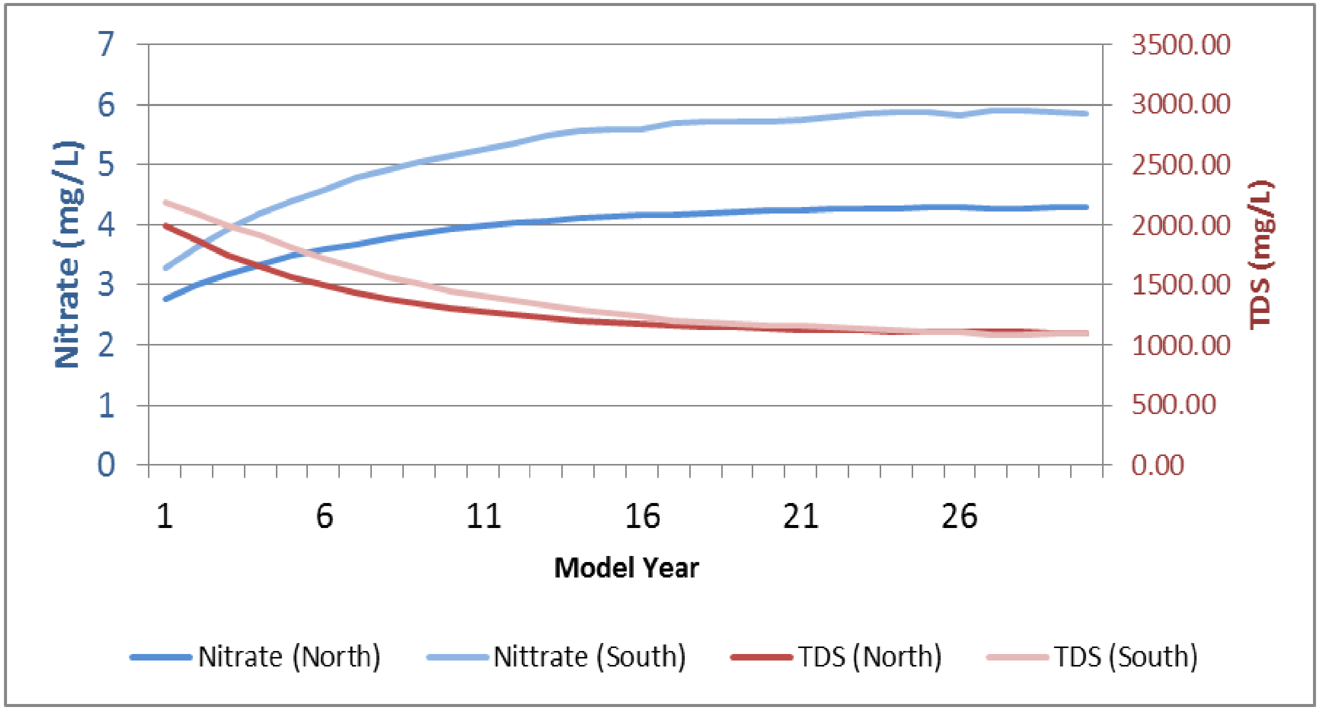


No Project

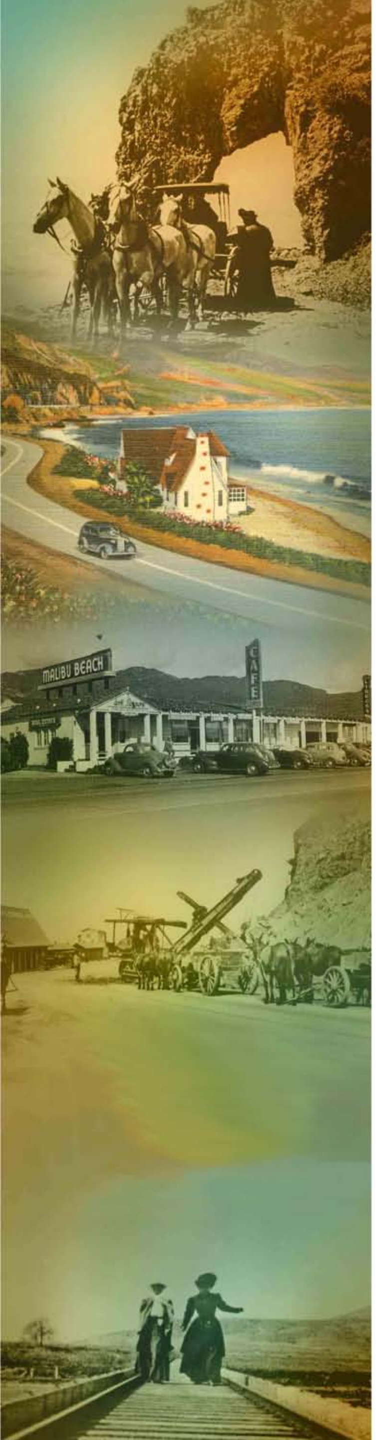


Phase 3

Mixing Model Results

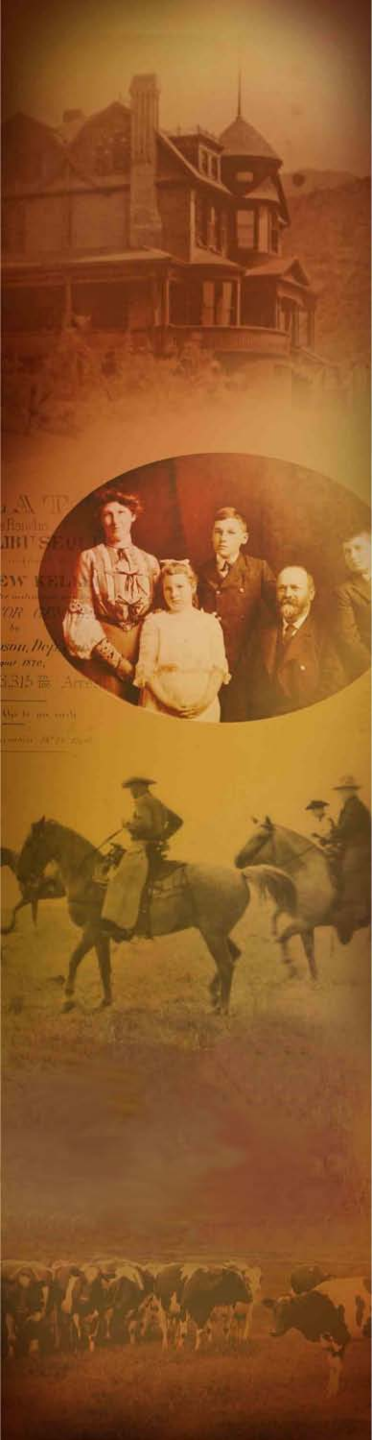


Scenario	Northern Zone Nitrate- N (mg/L)	Southern Zone Nitrate- N (mg/L)	Basin-wide Nitrate- N (mg/L)
Current Concentrations	2.78	3.29	3.23
No Project Scenario	4.31	5.85	4.91
Injection of Effluent with 8 mg/L nitrate-N	3.95	4.91	4.10



Anti-Degradation Analysis Findings

- Proposed recycled water injection/use will have no negative impact on average TDS concentrations
- Future land use and CCWTF will use:
  - ~16% of assimilative capacity (AC) in northern area
  - ~24% of AC in southern area
  - ~13% of AC in overall basin
- CCWTF will result in ~1,227 lb/yr of nitrogen removal from basin (~60% reduction)



Proposed Basin Management Strategies

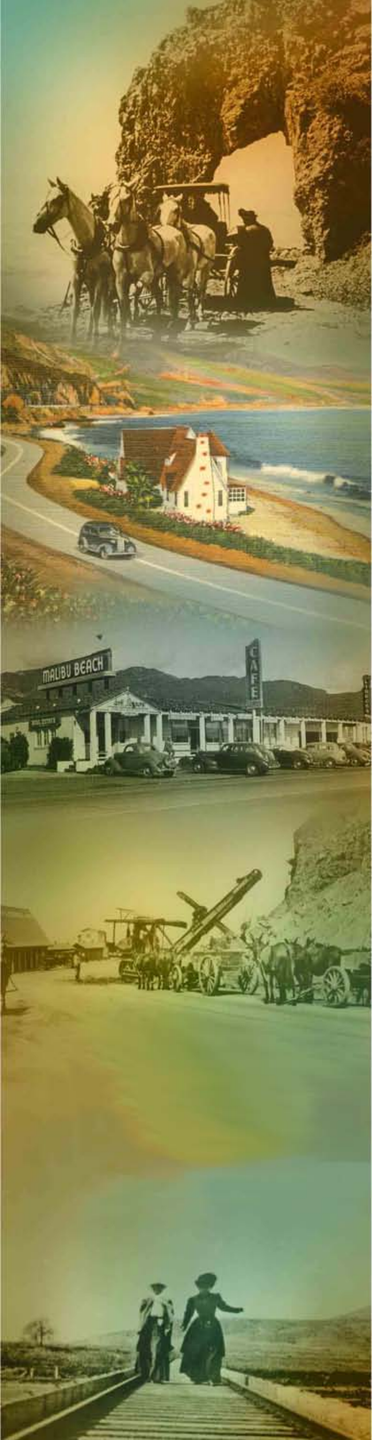
- Groundwater Management and Adaptation
- Protect/Enhance Groundwater Recharge
- Contaminated Groundwater Migration Control
- Saline Water Intrusion Management
- Groundwater Monitoring Program
- Wastewater Salinity/Nutrient Control
- Stormwater Capture/Runoff Management
- Public Outreach
- Land Use Regulation

Proposed Management Actions

Category	Description	Existing/Planned	Description
Groundwater Management and Adaptation	Groundwater Management Ordinance	Planned	Manage groundwater extractions from existing wells and installation and extraction from new wells
	Water Quality Mitigation Plan (WQMP)	Existing	For projects that require a Coastal Development Permit and fall into one of 8 pre-defined categories, a WQMP must be prepared to show how treatment control BMPs and/or structural BMPs will be used to minimize or prevent the discharge of polluted runoff after construction.
	Well construction/ destruction permits	Existing	Los Angeles County Department of Public Health issues permits for groundwater construction and destruction
	Recycled water non-potable reuse regulations, guidelines and permits	Existing	Implementation of these regulations, guidelines and permits as part of the CCWTF recycled water delivery system will help to mitigate future recycled-water related loadings to the groundwater basin.
	Total Maximum Daily Loads (TMDLs)	Existing	As a result of surface water-groundwater interactions between Malibu Creek/Lagoon and the MVGB, implementation of TMDLs for Malibu Creek/Lagoon will aid in protecting groundwater quality

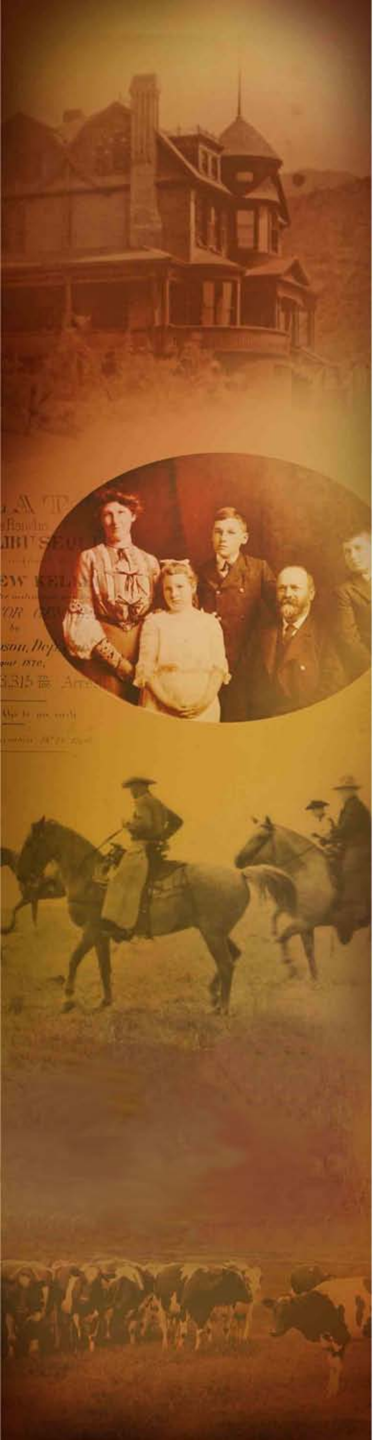
Proposed Management Actions

Category	Description	Existing/Planned	Description
Protect/Enhance Groundwater Recharge	Land development approvals	Existing	Manage development to protect key basin recharge areas
	Mapping of basin recharge areas	Planned	Recharge zones for the groundwater basin will be mapped and used in consideration of land use approvals
	Stormwater runoff retention ordinance	Existing	New projects are to retain onsite the Storm Water Quality Design Volume (SWQDv) defined as the greater of the 85^{th} percentile, 24-hour storm event or the 0.75", 24-hour storm event.
Contaminated Groundwater Migration Control	Regulatory coordination	Existing	The City's Environmental Sustainability Department coordinates with other local, state and federal regulatory agencies to protect water resources and manage the migration of contaminated groundwater
Saline Water Intrusion Management	Recycled water injection as part of CCWTF	Planned	Injection will establish a partial recharge barrier against future saline water intrusion
	Groundwater Management Ordinance	Planned	Manage groundwater extractions from existing wells and installation and extraction from new wells
Land Use Regulation	Land development approvals	Existing	Manage development to protect key basin recharge areas
	Landscape water conservation requirements	Existing	M.W.C. Section 9.22, City Ordinance No. 343 requires homeowners to maintain water-efficient landscapes



Proposed Management Actions

Category	Description	Existing/Planned	Description
Groundwater Monitoring	Groundwater elevation and water quality monitoring program	Planned	Groundwater monitoring will be required as part of the WRR/WDR for the CCWTF
	SNMP monitoring program	Planned	A supplemental monitoring program will be implemented, tiering off the WDR monitoring program, to provide necessary information for SNMP implementation
	MOU monitoring program	Planned	A supplemental monitoring program will be implemented, tiering off the WDR monitoring program, to provide necessary information for evaluating the impacts of CCWTF implementation on the shallow alluvium per MOU requirements
Wastewater Salinity/Nutrient Control	Regenerative salt-based water softeners ordinance	Planned	Control loading of salts in wastewater to reduce salts in recycled water
	CCWTF construction and operation	Planned	Wastewater collection and nitrogen treatment



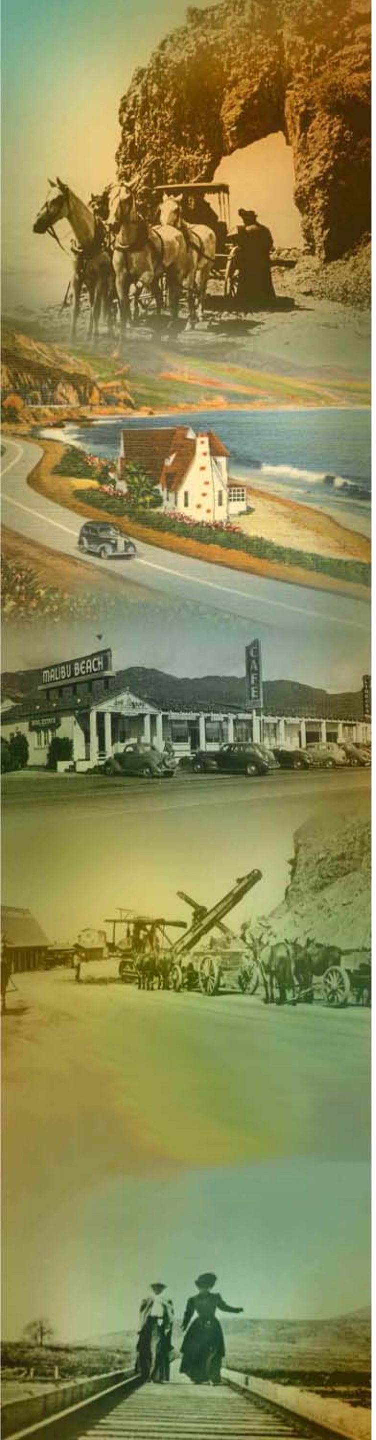
Proposed Management Actions

Category	Description	Existing/Planned	Description
Stormwater Capture/Runoff Management	LID and stormwater BMPs	Existing	City promotes green architecture (including LID techniques) through its Green Building Standards Code and implementation of State General Permits
	Stormwater runoff retention ordinance	Existing	New projects are to retain onsite the Storm Water Quality Design Volume (SWQDv) defined as the greater of the 85^{th} percentile, 24-hour storm event or the 0.75", 24-hour storm event.
	MS4 NPDES permits issued by LARWQCB	Existing	
	Stormwater Management Plans (SWMP)	Existing	All projects which require a Coastal Development Permit must include a SWMP to mitigate the effect of development on stormwater after construction and must maximize, to the extent practicable, the percentage of permeable surfaces and the retention of dry-weather runoff on the site

Proposed Management Actions

Category	Description	Existing/Planned	Description
Public Outreach	MVGB GWMP and SNMP	Planned	City is presently preparing a SNMP and GWMP for the MVGB
	Southern California Salinity Coalition	Existing	
	WateReuse Association and WateReuse Research Foundation	Existing	

Proposed SNMP Monitoring Program



Meeting Agenda

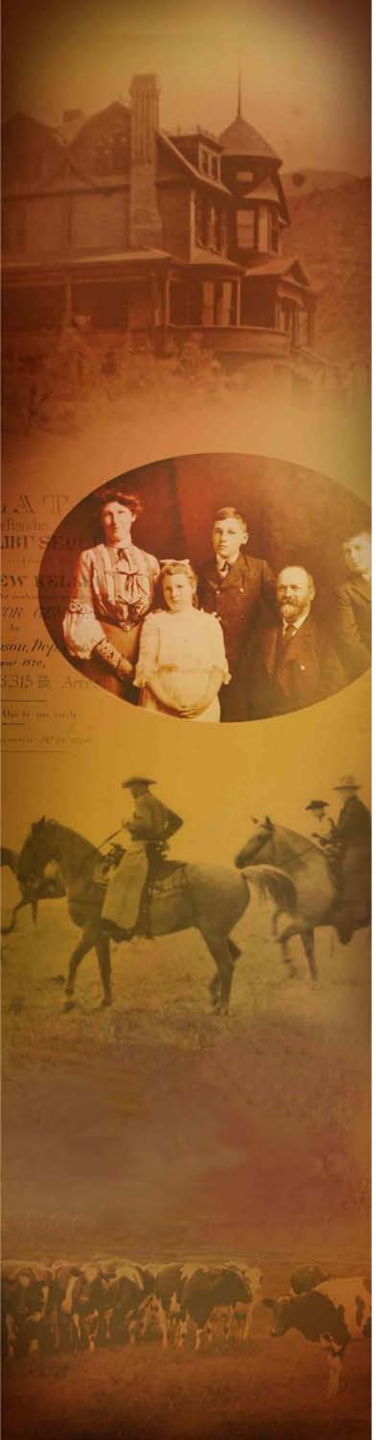
I. Introductions

II. Update on Design
- Wastewater Treatment Plant
- Wastewater Collection System
- Recycled Water Distribution System
- Groundwater Injection System

III. Permitting and CEQA Documentation
- EIR Status
- WRR/WDR Status

IV. SNMP-GWMP Status
- SNMP
- GWMP

V. Conclusions/Next Steps/Future Meetings



Comments?

Questions?

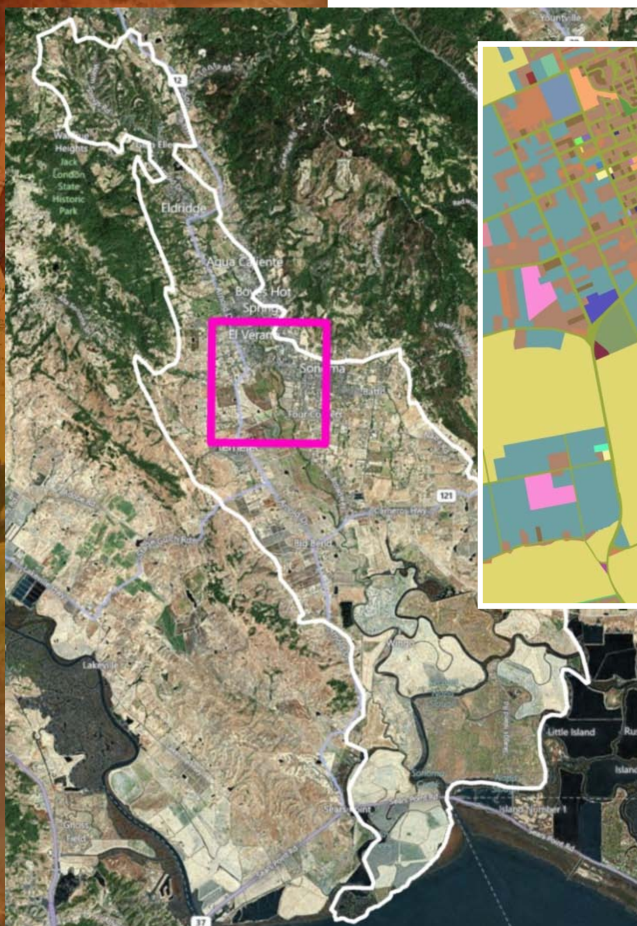
Technical Advisory Committee Meeting
Civic Center Wastewater Treatment Facility

CITY OF MALIBU
Incorporated March 28, 1991

RMC

January 8, 2015

Loading Approach Uses Land Use and Applied Water



List of Land Uses

- Agricultural Commodities
- Apartments
- Park (Private)
- Park/Other Recreational Facility (City)

Loading Landuse

- Dairy
- Golf
- Irrigated Agriculture
- Irrigated Vine
- Non-Residential Urban
- Non-irrigated Agriculture
- Parks and Camps
- Residential
- Rural Residential
- Schools
- Vacant Commercial/Industrial
- Vacant Residential
- Water

Landuse Factors

- Crop Coefficient
- Irrigation
- Fertilizer/Amendment (Salts)
- Livestock (Salts)
- Fertilizer/Amendment (Nutrients)
- Livestock (Nutrients)
- Uptake/Offtake (Nutrients)
- Other losses (Nutrients)
- Municipal Inputs (Salts)
- Municipal Inputs (Nutrients)

- Mineral Processing
- Miscellaneous Commercial Spaces
- Miscellaneous Industrial
- Motels
- Non-irrigated Vineyards
- Nurseries
- Office Buildings
- Orchards
- Orphanages
- Outdoor Recreational Facilities (Private)
- Three and Four Unit Complexes
- Tidelands
- Transitional Use
- Utilities
- Vacant Commercial Land
- Vacant Industrial Land
- Vacant Residential Land
- Volunteer Fire Departments
- Warehouses
- Wastelands
- Water Sources

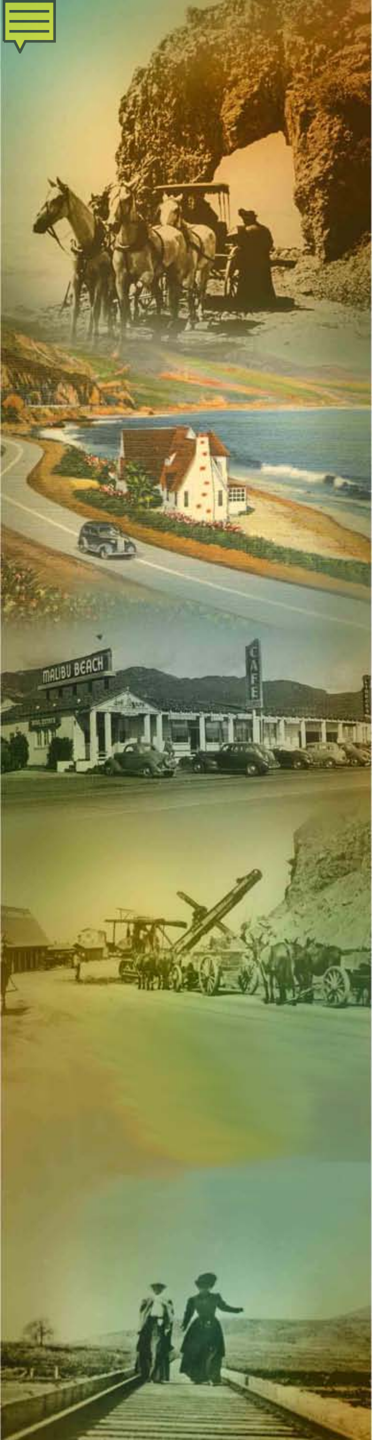
Water Reclamation Requirements/ Waste Discharge Requirements

- Public draft WRR/WDR released by LARWQCB on December 31st
- Establishes Effluent and Groundwater Limits
- Requires groundwater and surface water monitoring program
- Will be reviewed by LA RWQCB Board in March

Draft WRR/WDR Limitations - Effluent

Table 9 – Effluent/Recycled Water Limits

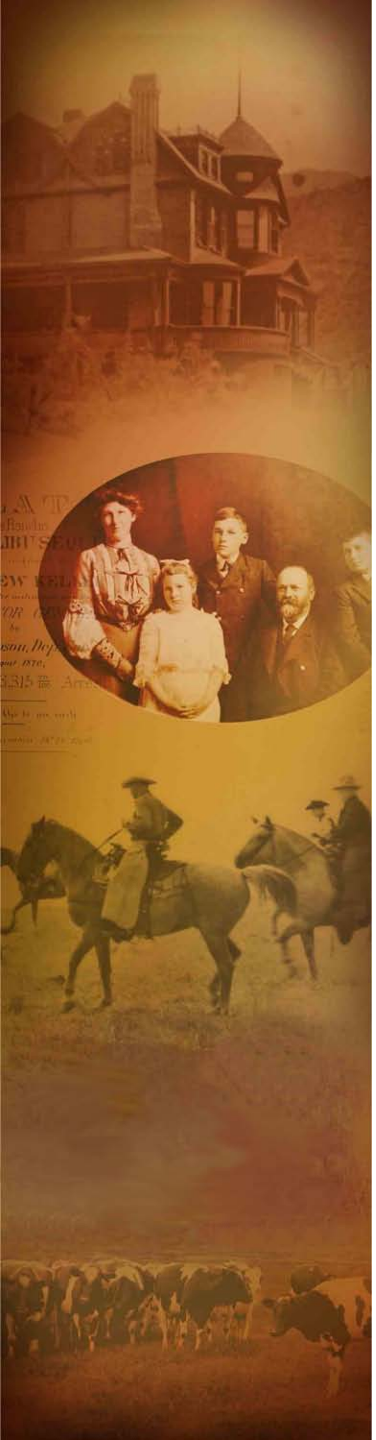
Constituents	Units	Monthly Average	Weekly Average	Daily Maximum	Instantaneous Minimum [1]	Instantaneous Minimum [2]
Oil and grease	mg/L	10 [3]	---	15 [3]	---	---
Total suspended solids	mg/L	15 [3]	40 [3]	45 [3]	---	---
	% removal	≥ 85 [4]	---	---	---	---
$BOD_{5@20^{o}C}$	mg/L	20 [3]	30 [3]	45 [3]	---	---
	% removal	≥ 85 [4]	---	---	---	---
pH	pH units	---	---	---	6.5 [3, 5]	8.5 [3, 5]
MBAS	mg/L	0.5 [6]	---	---	---	---
Nitrate + Nitrite as Nitrogen	mg/L	8 [7]	---	---	---	---
Nitrate as Nitrogen	mg/L	8 [7]	---	---	---	---
Nitrite as Nitrogen	mg/L	1 [8]	---	---	---	---
Total Dissolved Solids	mg/L	2,000 [8]	---	---	---	---
Sulfate	mg/L	500 [8]	---	---	---	---
Chloride	mg/L	500 [8]	---	---	---	---
Boron	mg/L	2.0 [8]	---	---	---	---



Draft WRR/WDR Limitations - Groundwater

Table 10 – Groundwater Limits				
Constituents	**Units**	**Monthly Average**	**7-Day Average**	**Single Sample Maximum**
Nitrate + Nitrite as Nitrogen (for Civic Center Gravels)	mg/L	5 [1]	---	---
Nitrate + Nitrite as Nitrogen (for Shallow Alluvium)	mg/L	10 [2]	---	---
Total Dissolved Solids	mg/L	2,000 [3]	---	---
Sulfate	mg/L	500 [3]	---	---
Chloride	mg/L	500 [3]	---	---
Boron	mg/L	2.0 [3]	---	---
Total coliform	MPN/100mL	---	1.1[3]	---
Fecal coliform	MPN/100mL	---	1.1[3]	---

Language provided in permit to set groundwater limitations to either the limits specified in Table 10 or ambient groundwater quality as established by monitoring, whichever value is greater.



Draft WRR/WDR Monitoring Requirements – Influent and Effluent

Table 2 – Influent Monitoring			
Constituents	**Units [1]**	**Type of Sample**	**Minimum Frequency of Analysis**
Total waste flow	gpd	Recorder	Continuous [2]
Total suspended solids	mg/L	24-hour comp.	Weekly
$BOD_{5@20^{o}C}$	mg/L	24-hour comp.	Weekly

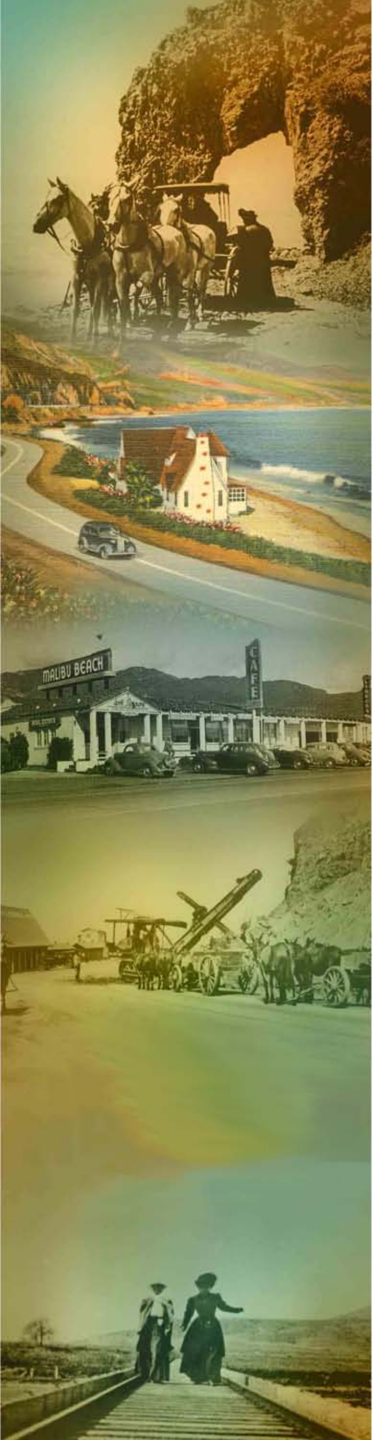
Draft WRR/WDR Monitoring Requirements – Influent and Effluent

Table 3 – Effluent/Recycled Water Monitoring			
Constituent	**Unit [1]**	**Type of Sample [2]**	**Minimum Frequency of Analysis**
Total Flow	gpd	Recorder	Continuous [3]
pH	pH units	Grab	Daily
$BOD_{5@20^{o}C}$	mg/L	24-hour composite	Weekly
Turbidity	NTU	Recorder	1.2 Hours [4]
Total Coliform	MPN/100mL	Grab	Daily
Fecal Coliform	MPN/100mL	Grab	Daily
Total Suspended Solids	mg/L	Grab	Weekly
Residual Chlorine	mg/L	Grab	Daily
Oil and Grease	mg/L	Grab	Monthly
Nitrate + Nitrite as Nitrogen	mg/L	Grab	Weekly
Nitrate as Nitrogen	mg/L	Grab	Weekly
Nitrite as Nitrogen	mg/L	Grab	Weekly
Ammonia Nitrogen	mg/L	Grab	Weekly
Organic Nitrogen	mg/L	Grab	Weekly
Total Nitrogen[5]	mg/L	Grab	Weekly
Total Phosphorus	mg/L	Grab	Monthly
Total Dissolved Solids	mg/L	Grab	Monthly
Sulfate	mg/L	Grab	Monthly
Chloride	mg/L	Grab	Monthly
Boron	mg/L	Grab	Monthly
MBAS[6]	mg/L	Grab	Monthly
Constituents listed in Attachments A1 to A5	various	Grab/24-hour composite	Quarterly
CECs[7] in Attachment C	various	Grab	Annually
Priority Pollutants in Attachment D	µg/L	Grab	Annually

Draft WRR/WDR Monitoring Requirements – Groundwater Baseline

Table 5 – Baseline Groundwater Monitoring

Constituents	Units	Type of Sample	Minimum Frequency of Analysis[2]
Water level elevation [1]	Feet	Recorder	Annually
pH	pH units	Grab	Annually
$BOD_5 20^0C$	mg/L	Grab	Annually
Turbidity	NTU	Grab	Annually
Total Coliform	MPN/100mL	Grab	Annually
Fecal Coliform	MPN/100mL	Grab	Annually
Total Suspended Solids	mg/L	Grab	Annually
Residual Chlorine	mg/L	Grab	Annually
Total Organic Carbon	mg/L	Grab	Annually
Oil and grease	mg/L	Grab	Annually
Nitrate + Nitrite as Nitrogen	mg/L	Grab	Annually
Nitrate as nitrogen	mg/L	Grab	Annually
Nitrite as nitrogen	mg/L	Grab	Annually
Ammonia nitrogen	mg/L	Grab	Annually
Organic Nitrogen	mg/L	Grab	Annually
Total Nitrogen	mg/L	Grab	Annually
Total Phosphorus	mg/L	Grab	Annually
Total Dissolved Solids	mg/L	Grab	Annually
Sulfate	mg/L	Grab	Annually
Chloride	mg/L	Grab	Annually
Boron	mg/L	Grab	Annually
MBAS	mg/L	Grab	Annually
Constituents listed in Attachments A1 to A5	Various	Grab	Annually
CECs in Attachment C	Various	Grab	Annually
Priority Pollutants in Attachment D	µg/L	Grab	Annually



Draft WRR/WDR Monitoring Requirements – Groundwater Long-Term

Table 6 – Long-Term Groundwater Monitoring			
Constituents	**Units**	**Type of Sample**	**Minimum Frequency of Analysis[2]**
Water level elevation [1]	Feet	Recorder	Quarterly
pH	pH units	Grab	Quarterly
$BOD_5 20^0C$	mg/L	Grab	Quarterly
Turbidity	NTU	Grab	Quarterly
Total Coliform	MPN/100mL	Grab	Quarterly
Fecal Coliform	MPN/100mL	Grab	Quarterly
Total Suspended Solids	mg/L	Grab	Quarterly
Residual Chlorine	mg/L	Grab	Quarterly
Total Organic Carbon	mg/L	Grab	Quarterly
Oil and grease	mg/L	Grab	Quarterly
Nitrate + Nitrite as Nitrogen	mg/L	Grab	Quarterly
Nitrate as nitrogen	mg/L	Grab	Quarterly
Nitrite as nitrogen	mg/L	Grab	Quarterly
Ammonia nitrogen	mg/L	Grab	Quarterly
Organic Nitrogen	mg/L	Grab	Quarterly
Total Nitrogen	mg/L	Grab	Quarterly
Total Phosphorus	mg/L	Grab	Quarterly
Total Dissolved Solids	mg/L	Grab	Quarterly
Sulfate	mg/L	Grab	Quarterly
Chloride	mg/L	Grab	Quarterly
Boron	mg/L	Grab	Quarterly
MBAS	mg/L	Grab	Quarterly
Constituents listed in Attachments A1 to A5	Various	Grab	Annually
CECs in Attachment C	µg/L	Grab	Annually
Priority Pollutants in Attachment D	µg/L	Grab	Annually

Groundwater Monitoring Well Locations

City Council Meeting
01-12-15
Item
3.B.7.

Council Agenda Report

To: Mayor Peak and the Honorable Members of the City Council

Prepared by: Reva Feldman, Assistant City Manager

Approved by: Jim Thorsen, City Manager

Date prepared: December 15, 2014 Meeting date: January 12, 2015

Subject: State Revolving Fund (SRF) Loan Application for the Civic Center Wastewater Treatment Facility (CCWWTF) Project

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RECOMMENDED ACTION: 1) Adopt Resolution No. 15-02 authorizing the City Manager to execute documents for the SRF Loan application for the CCWWTF; 2) Adopt Resolution No. 15-03 establishing a dedicated fund for revenues and expenditures associated with the SRF Loan for the CCWWTF; and 3) Adopt Resolution No. 15-04 authorizing the reimbursement of funding from the SRF Loan for the CCWWTF.

FISCAL IMPACT: There is no fiscal impact to the General Fund associated with the recommended action. The City is applying for a SRF Loan from the State Water Resources Control Board for the CCWWTF. The City anticipates forming an assessment district that will pay for any funding obtained through the SRF Loan program. It is anticipated that the SRF loan will provide substantial savings on interest for property owners within the Civic Center Prohibition Area.

DISCUSSION: On September 21, 2010, the State Water Resources Control Board approved a Basin Plan Amendment that prohibits discharge of onsite wastewater disposal systems into existing dispersal fields in the Malibu Civic Center area. On June 27, 2011, the City Council approved a Memorandum of Understanding (MOU) between the City and the Regional Water Quality Control Board and the State Water Resources Control Board.

The MOU identifies the implementation schedule and plan to construct a centralized sewer treatment facility for the Civic Center Prohibition area. The MOU requires the City to implement a wastewater treatment plan in a three-phased approach whereby the first phase requires certain properties in the Civic Center to be connected to a centralized wastewater treatment facility by June 2017.

On November 24, 2014, the Council approved Amendment No. 5 to the Professional Services Agreement with RMC to assist the City with an application for funding from the State Water Resources Control Board (SWRCB). RMC is preparing the complicated and time-consuming application, which includes a general information, financial, environmental and technical package, as well as a final budget proposal for the project. RMC is coordinating directly with the State to ensure the completion of each of the document packages and ensure that they meet all Federal and State requirements.

Part of the application process requires the City to adopt the following resolutions:

- Resolution No. 15-02: Authorizes the City Manager to execute documents for the SRF Loan application for the CCWWTF.
- Resolution No. 15-03: Establishes a dedicated fund for revenues and expenditures associated with the SRF Loan for the CCWWTF.
- Resolution No. 15-04: Authorizes the reimbursement of funding from the SRF Loan for the CCWWTF.

Resolution Nos. 15-02 and 15-03 are attached. Resolution No. 15-04 is being reviewed by the counsel for the SWRCB and will be released under separate cover.

Upon approval by the Council, the resolutions will be included in the City's application packet to the State Water Resources Control Board.

<u>ATTACHMENTS:</u> 1) Resolution No. 15-02
2) Resolution No. 15-03

RESOLUTION NO. 15 - 02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AUTHORIZING THE CITY MANAGER OR DESIGNEE TO EXECUTE DOCUMENTS ASSOCIATED WITH THE FINANCIAL ASSISTANCE APPLICATION FOR THE CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT FROM THE STATE WATER RESOURCES CONTROL BOARD

The City Council of the City of Malibu (the "Entity") does hereby find, order and resolve as follows:

SECTION 1. The City Manager or Designee (the "Authorized Representative") is hereby authorized and directed to sign and file, for and on behalf of the Entity, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Civic Center Wastewater Treatment Facility Project (the "Project").

SECTION 2. The Authorized Representative or Designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.

SECTION 3. The Authorized Representative or Designee, is designated to represent the Entity in carrying out the Entity's responsibilities under the financing agreement, including certifying disbursement requests on behalf of the Entity and compliance with the applicable state and federal laws.

SECTION 4. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 12th day of January, 2015.

SKYLAR PEAK, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:

ACA

CHRISTI HOGIN, City Attorney

RESOLUTION NO. 15 - 03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MALIBU AUTHORIZING THE REIMBURSEMENT OF FUNDING FOR THE CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT FROM THE STATE WATER BOARD

Whereas, the City of Malibu (the "Agency") desires to finance the costs of constructing and/or reconstructing certain public facilities and improvements relating to its water and wastewater system, including certain treatment facilities, pipelines and other infrastructure (the "Project"); and

Whereas, the Agency intends to finance the construction and/or reconstruction of the Project of portions of the Project with moneys ("Project Funds") provided by the State of California, acting by and through the State Water Resources Control Board (State Water Board); and

Whereas, the State Water Board may fund the Project Funds with proceeds from the sale of obligations the interest upon which is excluded from gross income for federal income tax purposes (the "Obligations); and

Whereas, prior to either the issuance of the Obligations or the approval by the State Water Board of the Project Funds the Agency desires to incur certain capital expenditures (the "Expenditures") with respect to the Project from available moneys of the Agency; and

Whereas, the Agency has determined that those moneys to be advance on and after the date hereof to pay the Expenditures are available only for a temporary period and it is necessary to reimburse the Agency for the Expenditures from the proceeds of the Obligations.

The City Council of the City of Malibu does hereby find, order and resolve as follows:

SECTION 1. The agency hereby states its intention and reasonably expects to reimburse Expenditures paid prior to the issuance of the Obligations or the approval by the State Water Board of the Project Funds.

SECTION 2. The reasonably expected maximum principal amount of the Project Funds is $45,200,000.

SECTION 3. This resolution is being adopted no later than 60 days after the date on which the Agency will expend moneys for the construction portion of the Project costs to be reimbursed with Project Funds.

SECTION 4. Each Agency expenditure will be of a type properly chargeable to a capital account under general federal income tax principles.

SECTION 5. To the best of our knowledge this Agency is not aware of the previous adoption of official intents by the Agency that have been made as a matter of course for the purpose of reimbursing expenditures and for which tax-exempt obligations have not been issued.

SECTION 6. This resolution is adopted as official intent of the Agency in order to comply with Treasury Regulation Section 1.150-2 and any other regulations of the Internal Revenue Service relating to the qualification for reimbursement of Project costs.

SECTION 7. All the recitals in this Resolution are true and correct and this Agency so finds, determines and represents.

SECTION 8. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this 12th day of January, 2015.

SKYLAR PEAK, Mayor

ATTEST:

LISA POPE, City Clerk
(seal)

APPROVED AS TO FORM:

ACA

CHRISTI HOGIN, City Attorney

City Council Meeting
01-12-15
Item
4.C.

Council Agenda Report

To: Mayor Peak and the Honorable Members of the City Council

Prepared by: Craig George, Environmental Sustainability Manager

Reviewed by: Victor Peterson, Environmental Sustainability Director

Approved by: Jim Thorsen, City Manager

Date prepared: December 10, 2014 Meeting date: January 12, 2015

Subject: Prohibition and Consultation Protection Zones

RECOMMENDED ACTION: 1) After the City Attorney reads the title, introduce on first reading Ordinance No. 385, creating a Prohibition Zone and a Consultation Zone to protect the City's recycled water injection wells serving the Civic Center Wastewater Treatment Facility (CCWTF); and 2) direct staff to schedule second reading and adoption of Ordinance No. 385 for the January 26, 2015 Regular City Council meeting.

FISCAL IMPACT: None.

DISCUSSION: On November 5, 2009, the Los Angeles Regional Water Quality Control Board (LARWQCB) adopted Resolution No. R4-2009-007 entitled "Amendment to the Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties to Prohibit On-site Wastewater Disposal Systems in the Malibu Civic Center Area". The prohibition applies to all dischargers in the Civic Center area, including commercial and industrial facilities, public facilities, and residences.

On September 21, 2010, the State Water Resources Control Board approved an amendment (Resolution No. R4-2010-0045) to the Water Quality Control Plan for the Los Angeles Region to prohibit on-site wastewater disposal systems in the Malibu Civic Center Area. This Basin Plan Amendment prohibits all new Onsite Wastewater Disposal Systems (OWDS) ((the state terminology for OWTS)) and discharges from existing systems based on a phased schedule to cease discharges from Phase 1 systems by November 5, 2015 and Phase 2 systems by November 5, 2019.

The area in which OWDS use must cease was defined in the afore-mentioned resolutions and is referred to as the "Prohibition Zone." On August 2011, a Memorandum of Understanding (MOU), signed by both the City and the LARWQCB, memorializes the requirements of the resolutions and defining the Prohibition Zone areas. Following execution of the 2011 MOU, the City embarked on a program to design and construct a centralized wastewater collection, treatment and disposal system for the Prohibition Zone. This program includes the construction of the CCWTF, where wastewater from the Prohibition Zone will be collected and treated to a standard set forth in Title 22 of the California Code of Regulations (CCR) for unrestricted reuse of disinfected tertiary recycled water. The MOU authorized a Phased approach for compliance with the Basin Plan Amendment. This MOU was recently amended on December 4, 2014 by both the City of Malibu and the LARWQCB changing the compliance dates for the first two phases identified in the MOU. The revised MOU dates mandate connection of Phase I properties by June 30, 2017 and Phase II by November 5, 2022.

The proposed CCWTF will produce treated effluent that meets wastewater discharge quality standards as outlined in the CCR Title 22 for disinfected tertiary treated recycled water. The phased approach to connecting every facility to the CCWTF could eliminate or greatly reduce the amount of non-point source pollution discharged from OWDSs and will result in the availability of disinfected recycled water suitable for unrestricted non-potable reuse beginning with Phase 1 of the project. The primary objective of the project is to reuse this recycled water for landscape irrigation and other non-potable uses in the Civic Center area; any unused recycled water will be injected or percolated into the underlying Malibu Valley Groundwater Basin (MVGB) and/or Winter Canyon Groundwater Basin.

Winter Canyon Groundwater Dispersal

For Winter Canyon groundwater dispersal, the CCWTF will utilize three percolation ponds on the treatment facility site. Based on hydrogeological studies, Winter Canyon has been determined to be a separate ground water system from the groundwater system in the Civic Center area. It is estimated that an additional 60,000 gallons per day (gpd) of effluent, over the existing approximate 74,000 gpd of wastewater currently being discharged (approximately 134,000 gpd total discharge from the proposed treatment facility), can be accommodated by Winter Canyon.

The proposed percolation facilities would consist of three percolation ponds located on the lower plateau of the wastewater treatment facility site. Each pond would be approximately 100 feet long and 25 feet wide, and spaced 16 feet apart, with bottoms at elevations of approximately 84 feet. These ponds would be used on rare occasions such as for periods of maintenance of the injection wells.

Well Injection

Portions of the MVGB are underlain by two aquifers, a shallow and a deep aquifer. While both aquifers are designated in the LARWQCB Basin Plan for beneficial use as a municipal drinking water supply, the deep aquifer has not been used as a drinking water source since the 1960's due to saltwater intrusion from the ocean. Due to its hydrogeologic characteristics and the presence of an overlying confining layer, the deep aquifer represents a potential destination for disposal of Title 22 compliant recycled water using deep injection wells. However, regulatory approval is required for deep well injection.

To predict potential groundwater injection capacity for the project, a MODFLOW 2005 model of the groundwater basin was used to identify potential injection well locations and estimating the acceptable amount of groundwater level change at multiple points as a constraint. It is assumed that two injection wells would be required in Phase I to adequately dispose of the treated wastewater. Three injection wells would be needed to facilitate the additional anticipated flows in Phase II. The location of the injection wells has been determined to be located within the City's Right of Way on the north side of Malibu Road behind the existing Plaza Shopping Center. Each well will be approximately 150 feet deep and screened in the Civic Center gravels at depths ranging from 50 to 140 feet below ground surface. Based on this hydrogeological modeling and geochemical evaluation of anticipated injected water quality and existing groundwater quality, injection of Title 22 recycled water into wells in the Civic Center area has been determined to be technically feasible. In practice, the behavior of the actual system would be carefully monitored and analyzed during initial injection operations to confirm assumptions and to allow for adjustments to well operations, and installation and operation of the injection wells would be phased along with the rest of the project.

The necessity to protect the groundwater around the site of the injection wells involves both regulatory issues and environmental issues. The primary reason for the creation of the Prohibition Zone is to protect and preserve the operation of the injection well dispersal system for the CCWTF. The City has invested significant time and money into the investigation and research of these injection wells. The ultimate outcome of these investigations was the development of a transient groundwater model for the injection of the Title 22 Recycled water into the lower aquifer. This model has resulted in the approval of the concept to inject the recycled water from the CCWTF into the lower aquifer by the LARWQCB and the California Department of Public Health. It is imperative that the operation of these injection wells are not impacted at any time by any external influence, including the operation of an adjacent ground water extraction well. The operation of these wells could be compromised by the removal of groundwater in areas adjacent to the wells. The City wants to insure that the injected Title 22 recycled water flows to the ocean as intended and not to Malibu Creek or Lagoon.

The MVGB has been designated by the State as a "potential municipal supply" for drinking water through Bulletin 118 published by the State. This Bulletin was updated in October 2003. Also, the States "Recycled Water Policy" has requirements for the retention and travel time for recycled water injected underground before it can be extracted and used as a potable water supply. The "Prohibition Zone" and the

"Consultation Zone" creates the protection zone required by the statewide policy for the protection of public health and will ensure adequate retention and travel time.

The Prohibition and Consultation Zone also serve to protect the entire MVGB from the influence of salt water intrusion. The extraction of groundwater within the basin could create a sink around the extraction well that would allow waters from the surrounding area to intrude into this area. Since the ocean is hydraulically connected to the basin, salt water could intrude into the basin. This phenomenon has occurred routinely in the past. Water wells installed within the MVGB in the 1950's and 60's soon became contaminated by excessive salinity and total dissolved solids. This contamination caused the County of Los Angeles to determine the ground water was no longer potable and may only be used for agricultural purposes on those plants that were salt tolerant. This also created the need to develop Water District 29 to service the area with a consistent municipal potable water supply.

The Prohibition and Consultation Zones will also be an asset to the City for anticipated regulatory obligations the City will incur in the near future. As water resources become taxed throughout the state, the maintenance and preservation of the MVGB will become increasingly onerous. The state has adopted new and emerging groundwater legislation which will impact the City. The California Statewide Groundwater Elevation Monitoring Program (CASGEM) has been established with the intent to measure short term and long term groundwater elevations in all basins within California. Managing the MVGB through this ordinance will be a step in this regulatory direction. Additionally, the State has adopted Sustainable Groundwater Management Act. This act requires the sustainable management of groundwater basins and is a requirement when state funds are requested for the construction of groundwater projects. These programs will become prevalent and impact the City in the near future.

ALTERNATIVES: The only alternative is to not adopt the ordinance which could allow the installation of groundwater extraction wells that may impact the path of travel of the City's injected recycled water from the CCWTF. This option would likely reqire both the RWQCB and Department of Public Health to reject our permits for operation of the CCWTF.

ATTACHMENTS:

1. Ordinance No. 385
2. Map of the Prohibition Zone and the Consultation Zones
3. Notice of Public Hearing

ORDINANCE NO. 385

AN ORDINANCE OF THE CITY OF MALIBU ADDING CHAPTER 9.21 (GROUNDWATER EXTRACTION WELLS) TO THE MALIBU MUNICIPAL CODE TO CREATE A PROHIBITION ZONE PROHIBITING THE INSTALLATION OF GROUNDWATER EXTRACTION WELLS AROUND THE CIVIC CENTER WASTEWATER TREATMENT FACILITY INJECTION WELL LOCATIONS AND CREATING A CONSULTATION ZONE FOR THE INSTALLATION OF GROUNDWATER EXTRACTION WELLS WITHIN THE MALIBU VALLEY AND WINTER CANYON GROUNDWATER BASINS

The City Council of the City of Malibu does ordain as follows:

Section 1. Findings.

A. There exists a prohibition against discharges from Onsite Wastewater Treatment Systems in the Civic Center Area of the City of Malibu as imposed by the Los Angeles Regional Water Quality Control Board and upheld by the California State Water Resources Control Board, Resolution No. R4-2009-007.

B. The prohibition does not preclude a publicly owned, community-based, solution that includes specific wastewater disposal sites subject to waste discharge requirements to be prescribed by the Regional Board.

C. The City intends to construct a Civic Center Wastewater Treatment Facility which will include injection wells to disperse Title 22 recycled water into the underlying groundwater aquifer system when these waters cannot be used for irrigation and/or other acceptable means of use.

D. Drilling and operation of groundwater extraction wells near these injection wells will affect the performance of the injection wells, affect overall groundwater quality, will increase the probability of affecting water quality in Malibu Creek and Lagoon, and increase the potential for saltwater intrusion into the Malibu Valley Groundwater Basin.

E. The individual properties within the area of the Prohibition Zone and the area of the Consultation Zone are provided with an adequate potable water supply from the existing services provided by the County of Los Angeles Public Works, Division of Water Works, Water District 29. These same properties may also have the opportunity to obtain and use Title 22 recycled water for irrigation and other non-potable needs. There is sufficient water supply to serve all domestic, commercial, landscape irrigation, and fire suppression needs within these areas.

Section 2. Chapter 9.21 Groundwater Extraction Wells is hereby added to Title 9 of the Malibu Municipal Code to read as follows:

GROUNDWATER EXTRACTION WELLS

Sections:

9.21.010 Intent and Purpose.

The purpose of creating a Prohibition Zone for groundwater extraction wells in and around the Civic Center Wastewater Treatment Facility is to assure that the performance of the recycled water injection wells remains as designed, to protect human health, and to assure that the injected recycled water path of travel is to the ocean and not to other sensitive water bodies such as Malibu Creek and Malibu Lagoon.

The purpose of creating a Consultation Zone for groundwater extraction wells in the Malibu Valley Groundwater Basin is to ensure there are no impacts on the Civic Center Wastewater Treatment Facility recycled water injection wells and to maintain the integrity of the Basin against any potential for saltwater intrusion or other degradation of groundwater quality resulting from the operation of groundwater extraction well(s).

9.21.020 Definitions.

For purposes of this Chapter, the following words and terms have the following meaning:

A. "Consultation Zone" means an area within the Malibu Valley Groundwater Basin or the Winter Canyon Groundwater Basin which Groundwater Extraction Wells may be permitted pursuant to section 9.21.050.

B. "Groundwater Extraction Well" means any well or other human made opening in or excavation of the surface and/or subsurface of the earth for the purpose of extracting groundwater from underground.

C. "Injection Well" means a well into which fluids are injected for purposes such as waste disposal and/or the disposal of recycled wastewater.

D. "Malibu Valley Groundwater Basin" means the small alluvial groundwater basin in the Civic Center Area of Malibu bounded by the Pacific Ocean on the south and by non-watering bearing Tertiary rocks on all remaining sides as depicted in Exhibit A to the ordinance codified in this chapter.

E. "Prohibition Zone" means an area within which Groundwater Extraction Wells are prohibited pursuant to section 9.21.040.

F. "Winter Canyon Basin" means the small alluvial groundwater basin west of the Malibu Valley Groundwater Basin separated by intervening ridge of non-water bearing Tertiary rocks on the east, and bounded by non-water bearing Tertiary rocks on the north and west as depicted in Exhibit A to the ordinance codified in this chapter.

9.21.030 Applicability.

This chapter shall apply to all Groundwater Extraction Wells in the Prohibition Zone and Consultation Zone in the Malibu Valley and Winter Canyon Groundwater Basins.

9.21.040 Prohibition Zone for the Installation of Groundwater Extraction Wells.

A. Prohibition Zone.

1. A Prohibition Zone shall exist around each recycled water injection well serving as a dispersal method for the Civic Center Wastewater Treatment Facility. Any Groundwater Extraction Well shall be strictly forbidden within this zone.

2. The Prohibition Zone shall extend to a radius of 1,600 feet around the exterior of each recycled water injection well location that serves the Civic Center Wastewater Treatment Facility..

3. Prohibition Zones may overlap from one recycled water injection location to another.

4. No permit for a Groundwater Extraction Well may be issued for any portion of any real property located within the Prohibition Zone.

5. No person shall construct, install, utilize, allow, permit, or provide for the installation of, a Groundwater Extraction Well within the Prohibition Zone.

6. Any existing Groundwater Extraction Well located within the Prohibition Zone shall be abandoned and/or destroyed in accordance with the Local Coastal Plan and County of Los Angeles Department of Public Health requirements.

   a. Exceptions:
      i. This prohibition shall not apply to monitoring wells constructed for the purpose of groundwater quality or elevation monitoring.

ii. This prohibition shall not apply to wells used for the purpose of dewatering excavations during construction of sites with valid building permits and appropriate discharge permits from state and local agencies.

9.21.050 Consultation Zone for the Installation of Groundwater Extraction Wells.

A. Consultation Zone.

1. A Consultation Zone shall exist over the entire Malibu Valley Groundwater Basin and the Winter Canyon Basin.

B. Permit requirements for the construction of any Groundwater Extraction Well within the Consultation Zone are as follows:

1. Applicants must obtain a Coastal Development Permit from the City for the installation of any Groundwater Extraction Well in the Consultation Zone pursuant to the procedures set forth in the Malibu Local Coastal Program.

2. Applicants must obtain a Well Construction Permit from the County of Los Angeles Department of Public Health, Drinking Water Division.

3. Applicants must submit to the City a detailed engineering analysis prepared by a California State licensed and/or certified hydrogeologist or engineer detailing the effects of the proposed groundwater extraction well on the Malibu Valley Groundwater Basin and the Winter Canyon Basin, including, but not limited to, addressing and modeling the effects of the well on the operation of the Civic Center Wastewater Treatment Facility Recycled Water Injection Wells. The report must demonstrate to the satisfaction of the City Engineer that the extraction of the groundwater will not change, alter, or affect the dispersal pathway of the injected recycled water or create any negative impact from the injected recycled water. The report must also demonstrate and model to the satisfaction of the City Engineer that the extraction of groundwater will not cause saltwater intrusion or other degradation of the Malibu Valley Groundwater Basin and the Winter Canyon Basin. The report shall also address the short term, long term, and cumulative effects of the proposed groundwater extraction on the Malibu Valley Groundwater Basin and the Civic Center Wastewater Treatment Facility Recycled Water Injection Wells.

4. No person shall construct, install, utilize, allow, permit, or provide for the installation of, a Groundwater Extraction Well on any parcel of land within the Consultation Zone unless such Well is permitted pursuant to the provisions of this chapter.

9.21.060 Fees.

The City may collect all applicable fees pursuant to the City of Malibu Fee Schedule.

9.21.070 Violations.

A violation of any of the provisions this chapter shall constitute a misdemeanor. Any violation of this chapter may be enforced pursuant to the provisions of Chapters 1.08, 1.10, 1.16 and 8.28, in addition to the provisions of any other applicable law, rule or regulation. Causing, aiding, abetting, or concealing a violation of any of the provisions of this chapter shall also constitute a violation of this chapter. Any property upon which a violation of this chapter occurs is hereby declared to be a public nuisance.

Section 3. Environmental Review. This Ordinance is exempt from review under the California Environmental Quality Act (CEQA) regulations because it consists only of minor revisions and clarifications to an existing code of construction-related regulations and specification of procedures related thereto and will not have the effect of deleting or substantially changing any regulatory standards or findings required therefor. This Ordinance, therefore, is an action taken for enhanced protection of the environment and protection of water supply and resources that does not have the potential to cause significant effects on the environment. Consequently, it is categorically exempt from further CEQA review under 14 Cal. Code Regs. §§ 15301, 15308.

Section 4. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions and applications and, to this end, the provisions of this Ordinance are severable.

Section 5. The City Clerk shall certify the passage and adoption of this ordinance.

PASSED, APPROVED AND ADOPTED this ________ day of ________________________, 2015.

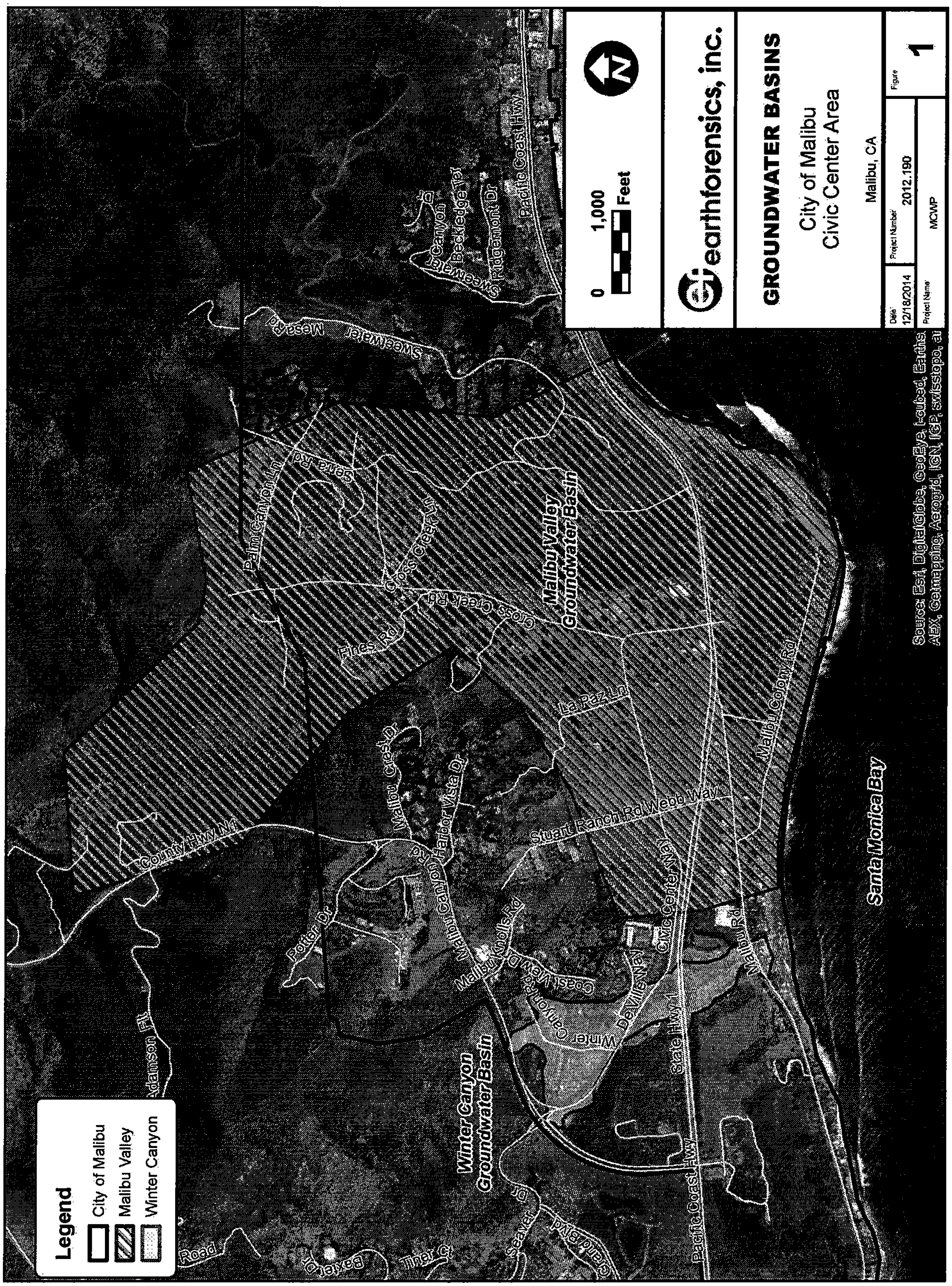
____
SKYLAR PEAK, Mayor

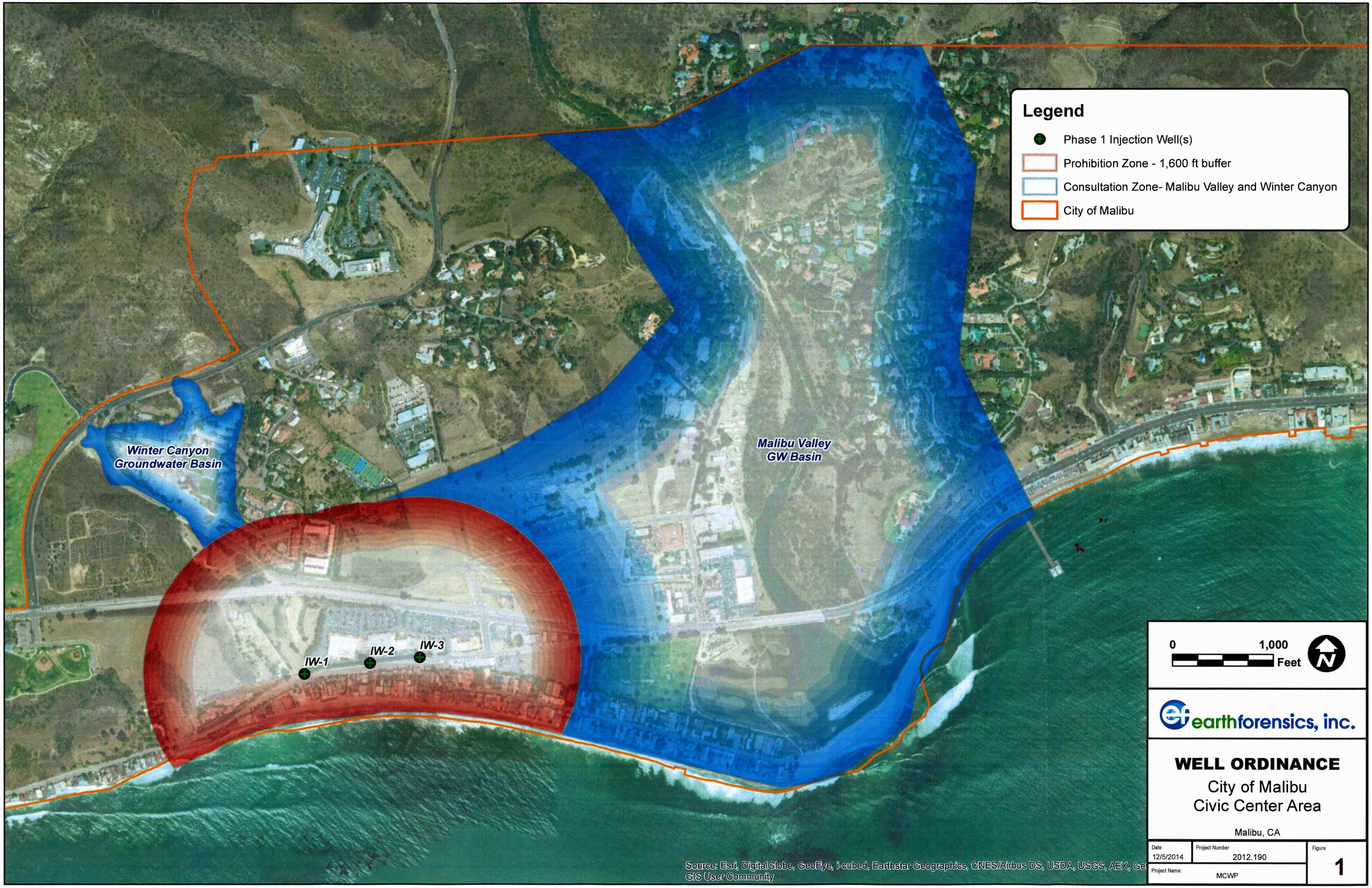
ATTEST:

____
LISA POPE, City Clerk

APPROVED AS TO FORM:

________________________ ACH
CHRISTI HOGIN, City Attorney


Legend
City of Malibu
Malibu Valley
Winter Canyon
Malibu Valley Groundwater Basin
Winter Canyon Groundwater Basin
Santa Monica Bay
0 1,000 Feet
earthforensics, inc.
GROUNDWATER BASINS
City of Malibu
Civic Center Area
Malibu, CA
Date: 12/18/2014
Project Number: 2012.190
Project Name: MCWP
Figure 1
Source: Esri, DigitalGlobe, GeoEye, i-cubed, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



Attachment 2

NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL

The Malibu City Council will hold a public hearing on **Monday, January 12, 2015, at 6:30 p.m. in the Council Chambers at Malibu City Hall,** located at 23825 Stuart Ranch Road, Malibu, California, for the item identified below:

<u>Prohibition and Consultation Protection Zones</u>

AN ORDINANCE OF THE CITY OF MALIBU ADDING CHAPTER 9.21 (GROUNDWATER EXTRACTION WELLS) TO THE MALIBU MUNICIPAL CODE TO CREATE A PROHIBITION ZONE PROHIBITING THE INSTALLATION OF GROUNDWATER EXTRACTION WELLS AROUND THE CIVIC CENTER WASTEWATER TREATMENT FACILITY INJECTION WELL LOCATIONS AND CREATING A CONSULTATION ZONE FOR THE INSTALLATION OF GROUNDWATER EXTRACTION WELLS WITHIN THE MALIBU VALLEY AND WINTER CANYON GROUNDWATER BASINS

IF YOU CHALLENGE THE CITY COUNCIL'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR OTHERWISE HELD BY THE CITY, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, EITHER AT OR PRIOR TO THE PUBLIC HEARING.

If there are any questions regarding this notice, please contact Vic Peterson, Environmental Sustainability Director, at (310) 456-2489, ext. 251. Copies of all related documents can be reviewed by any interested person at City Hall during regular business hours. Oral and written comments may be presented to the City Council on or before the date of the meeting.

Vic Peterson

Vic Peterson, Environmental Sustainability Director

Publish Date: January 1, 2015 and January 8, 2015

Attachment 3

NOTICE OF PUBLIC HEARING
CITY OF MALIBU
CITY COUNCIL

The Malibu City Council will hold a public hearing on **Monday, January 12, 2015, at 6:30 p.m. in the Council Chambers, Malibu City Hall**, 23825 Stuart Ranch Road, Malibu, CA, for the project identified below.

CIVIC CENTER WASTEWATER TREATMENT FACILITY PROJECT

ENVIRONMENTAL IMPACT REPORT NO. 13-001, COASTAL DEVELOPMENT PERMIT NO. 13-057, CONDITIONAL USE PERMIT NO. 13-005, LOCAL COASTAL PROGRAM AMENDMENT NO. 13-002, ZONING TEXT AMENDMENT NO. 13-008, AND ZONING MAP AMENDMENT NO. 13-001

On December 15, 2014, the Planning Commission conducted a public hearing and adopted Resolution Nos. 14-112 and 14-113 recommending the Council certify the Final Environmental Impact Report (EIR), and approve the above-referenced code amendments and entitlements.

Project Description: The City is proposing the Project in response to the prohibition imposed by the State Water Resources Control Board and Los Angeles Regional Water Quality Control Board in 2010 that prohibits discharges from onsite wastewater disposal systems (OWDSs, also known as onsite wastewater treatment systems, or OWTSs) in the Civic Center area of the City of Malibu and a small portion of unincorporated Los Angeles County.

The Project would be constructed in three phases and would consist of four main elements: 1) a wastewater treatment facility; 2) pump stations; 3) collection and distribution pipelines; and 4) percolation ponds and groundwater injection wells. The proposed new centralized wastewater treatment facility would treat the wastewater flows from properties in the Prohibition Area that will no longer be served by OWDSs, and would provide nonpotable recycled water for irrigation and other uses.

The coastal development permit (CDP) and conditional use permit cover Phase 1 of the Project only (primarily commercial properties). The Project also includes a Local Coastal Program (LCP) amendment and corollary zoning text and zoning map amendments to create a Civic Center Wastewater Treatment Facility Institutional Overlay District to ensure the Project is consistent with the City's LCP and the Malibu Municipal Code, and to comply with LCP requirements that call for an LCP amendment for any new public sewer system. The LCP amendment would be forwarded to the California Coastal Commission for certification. In addition, after the City Council takes final action on the CDP, the CDP will be appealable to the California Coastal Commission.

Application Filing Date:	May 31, 2013
Applicant:	City of Malibu
Owner:	City of Malibu (Bluffs Park and Legacy Park); MBC Colony Plaza, LLC and Malibu Bay Company (treatment plant site); public and private rights of way (easements to be acquired as needed)
Address / APNs:	Project Area includes the service area of the wastewater treatment facility within the Prohibition Area, as well as: ▪ Treatment plant site at 24000 Civic Center Way (APNs 4458-028-020 and -006), across the street from the

intersection with Vista Pacific Street;

- Phase 1 pump stations - Legacy Park and Bluffs Park;
- Injection wells - Malibu Road right-of-way behind Malibu Colony Shopping Center; and
- Pipelines - public and private streets throughout the Civic Center Area, including a portion of unincorporated Los Angeles County just north of the Malibu City limits

Zoning: Service Area: Rural Residential (RR), Single-family Medium (SFM), Planned Development (PD), Commercial General (CG), CV-1, Institutional (I), Community Commercial (CC), Research and Development (RD), and in the unincorporated areas of Los Angeles County, Residential Agriculture, Light Agriculture and Heavy Agriculture
Treatment plant site: Commercial Visitor-Serving 2 (CV-2)
Bluffs Park: Public Open Space (POS)
Legacy Park: Commercial Visitor-Serving 1 (CV-1)

City Planner: Bonnie Blue, Planning Manager
(310) 456-2489, extension 258
bblue@malibucity.org

Environmental Review: In accordance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, on May 30, 2014, a Draft EIR was circulated for a 60-day public review period - May 30, 2014 through July 28, 2014. On June 12, 2014, the City re-circulated portions of the Draft EIR to correct errors and omission made in the original Draft EIR. The Recirculated Draft EIR was circulated for 47-day public review period ending on July 28, 2014. (State Clearinghouse # 2013111075).

The Final EIR responds to the comments received on the Draft EIR and was made available on November 20, 2014. On December 18, 2014, Errata No. 1 to the Final EIR was made available. The City Council will certify the Final EIR if it finds the document acceptable and in conformance with CEQA.

Addresses Where Printed and Electronic Versions Are Available for Review:

City of Malibu City Hall	Malibu Library
23825 Stuart Ranch Road	23519 West Civic Center Way
Malibu, CA 90265-4861	Malibu, CA 90265

The Final EIR is available at Malibu City Hall and the Malibu Library listed above. The documents are also located on the City's website at www.malibucity.org. CDs may be purchased upon request at City Hall. Documents referenced in the Final EIR, as well as the Draft EIR and Recirculated Draft EIR, will be available upon request at City Hall.

Public Hearing: A written staff report will be available at or before the hearing. Following an oral staff report at the beginning of the hearing, all persons wishing to address the Council will be provided up to three minutes to address the Council. These time limits may be changed at the discretion of City Council. At the conclusion of the testimony, the Council will deliberate and its actions will be memorialized in a written resolution and ordinance. Copies of all related documents are available for review at City Hall during regular business hours. Written comments may be presented to the City Council at any time prior to the close of the public hearing.

COASTAL COMMISSION APPEAL - An aggrieved person may appeal the Council's decision to the Coastal Commission within 10 working days of the issuance of the City's Notice of Final Action. Appeal forms may be found online at www.coastal.ca.gov or in person at the Coastal Commission South Central Coast Area District office located at 89 South California Street in Ventura, or by calling (805) 585-1800. Such an appeal must be filed with the Coastal Commission, not the City.

IF YOU CHALLENGE THE CITY'S ACTION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ISSUES YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS NOTICE, OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE CITY, AT OR PRIOR TO THE PUBLIC HEARING.

If there are any questions regarding this notice, please contact Bonnie Blue, AICP, Planning Manager, at (310) 456-2489, extension 258.

JOYCE PARKER-BOZYLINSKI, AICP
Planning Director

Publish Date: December 18, 2014

Council Agenda Report

To: Mayor Peak and Honorable Members of the City Council

Prepared by: Bonnie Blue, AICP, Planning Manager BB

Approved by: Jim Thorsen, City Manager

Date prepared: December 17, 2014 Meeting date: January 12, 2015

Subject: Environmental Impact Report No. 13-001, Local Coastal Program Amendment No. 13-002, Zoning Text Amendment No. 13-008, Zoning Map Amendment No. 13-003, Coastal Development Permit No. 13-057 and Conditional Use Permit No. 13-005 (Civic Center Wastewater Treatment Facility Project)

Application Filed: May 31, 2013

Applicant: City of Malibu

Owner(s): City of Malibu (Bluffs Park and Legacy Park); MBC Colony Plaza, LLC and Malibu Bay Company (treatment plant site); public and private rights of way (easements to be acquired as needed)

Location/APNs: Project Area includes the service area of the wastewater treatment facility within the Prohibition Area, as well as:

- Treatment plant site: 24000 Civic Center Way (APNs 4458-028-020 and -006), across the street from the intersection with Vista Pacific Street;
- Phase 1 pump stations - Legacy Park (APN 4458-020-902) and Bluffs Park (APN 4458-018-902 and -904);
- Injection wells - Malibu Road right-of-way behind Malibu Colony Plaza Shopping Center; and
- Pipelines - public and private streets/easements throughout the Civic Center Area, including a portion of unincorporated Los Angeles County

	just north of the Malibu City limits
Zoning:	Service area: Rural Residential (RR), Single-family Medium (SFM), Planned Development (PD), Commercial General (CG), Commercial Visitor-Serving 1 and 2 (CV-1 and CV-2), Institutional (I), Community Commercial (CC), Research and Development (RD), Public Open Space (POS) and in the unincorporated areas of Los Angeles County, Residential Agriculture, Light Agriculture and Heavy Agriculture Treatment plant site: CV-2 Bluffs Park: POS Legacy Park: CV-1

RECOMMENDED ACTION:

1) After the City Attorney reads the title of the ordinance, introduce on first reading Ordinance No. 386 (Attachment 1) approving Local Coastal Program Amendment No. 13-002, Zoning Text Amendment No. 13-008 and Zoning Map Amendment No. 13-003 to establish the Civic Center Wastewater Treatment Facility Institutional Overlay District at 24000 Civic Center Way (Assessor Parcel Numbers 4458-028-006 and -020) and associated development standards, modify permitted and conditionally permitted uses and other related sections in the Local Coastal Program Local Implementation Plan, and make corollary zoning text and map amendments to Title 17 of the Malibu Municipal Code and Zoning Map;

2) Adopt Resolution No. 15-05 (Attachment 2) adopting the findings of fact required by the California Environmental Quality Act, certifying Environmental Impact Report No. 13-001 and Errata No. 1, adopting the Mitigation Monitoring and Reporting Program and Statement of Overriding Considerations, and approving Coastal Development Permit No. 13-057 and Conditional Use Permit No. 13-005 for Phase One of the Civic Center Wastewater Treatment Facility project, consisting of construction of a new wastewater collection system, a centralized wastewater treatment facility to treat wastewater flows from Phase One Prohibition Area properties, a new recycled water pipeline system to provide nonpotable recycled water for reuse, and ancillary facilities, located at 24000 Civic Center Way in the Commercial Visitor Serving-2 zoning district, Legacy Park in the Commercial Visitor Serving-1 zoning district, Malibu Bluffs Park in the Public Open Space zoning district, and in public and private streets and easements in the Civic Center Area; and

3) Direct staff to schedule second reading and adoption of Ordinance No. 386 for the January 26, 2015 Regular City Council meeting.

FISCAL IMPACT: None anticipated at this time. However, should the approval of the project move forward, the project will be funded through a combination of sources including, but not limited to, assessment district financing from private property owners, State Revolving Fund loan, or City and County funds. Total cost for Phase 1 is anticipated to be approximately $45.2 million which includes design, construction, land acquisition, financing and administrative costs.

DISCUSSION: The issue before the City Council is whether to adopt the proposed legislative changes, certify the EIR and approve the Civic Center Wastewater Treatment Facility project and all entitlements.

Because the project coastal development permit (CDP) depends upon the proposed LCPA for LCP consistency, the CDP approval will be contingent upon the Coastal Commission's certification of the amendment. The CDP will not become effective or appealable to the Coastal Commission until the certification is completed, at which time the City will issue its Notice of Final Action (NOFA) for the project. Building and grading permits cannot be obtained until the NOFA is issued and the Coastal Commission 10-working day appeal period expires.

The scope of the project required preparation of an environmental impact report (EIR) pursuant to the California Environmental Quality Act (CEQA). A full history of the CEQA process can be found in Resolution No. 15-05. On December 15, 2014, the Planning Commission held a public hearing and considered the Final EIR,[1] the code amendments, and all project entitlements. The Commission adopted Planning Commission Resolution No. 14-112 recommending the City Council adopt the proposed code amendments and Planning Commission Resolution No. 14-113 recommending the Council certify the Final EIR and approve the project entitlements.[2]

In response to concerns expressed during the hearing about the possibility of soil contaminants being released during construction, the Commission added Condition No. 70 to its recommendation for the coastal development permit approval. This condition has also been included in Resolution No. 15-05 and states, "During project construction activities, the contractor shall follow standard soil sampling procedures and shall report to the City any contaminants identified during testing. Contaminants shall be reported to the public within 30 days."

The Planning Commission also directed staff to prepare Errata No. 1 to provide clarifications and correct non-substantive errors identified in the Final EIR. These errata do not affect the findings, analyses or conclusions of the Final EIR and are presented as Attachment 3 for Council's consideration.

The Planning Commission agenda materials distributed for the December 15, 2014 meeting can be found on the City's website:

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[1] The Final EIR is available at City Hall and on the City's website: http://www.malibucity.org/index.aspx?NID=608.

[2] A majority of the entire Planning Commission (4 of 5 members) adopted the Resolutions. The fifth member was absent.

http://www.malibucity.org/AgendaCenter/ViewFile/Item/1446?fileID=1695.

Correspondence submitted after publication of the Commission agenda report (including at the Commission meeting) is included as Attachment 9.

The remainder of this report is organized as follows:

- Overall Project Background and Overview
- Phase 1 CDP and CUP
- LCPA, ZTA and ZMA
- Other Required Permits and Approvals
- Project Setting and Surrounding Land Uses
- Project Description
- LCP Analysis
- M.M.C. Analysis
- Environmental Review
- Correspondence
- Public Notice
- Summary

Overall Project Background and Overview

The City's Civic Center Wastewater Treatment Facility project is being undertaken in response to regulatory actions taken by the Los Angeles Regional Water Quality Control Board (LARWQCB) and the State Water Resources Control Board (together, the Water Boards) to ban discharges from onsite wastewater disposal systems (OWDSs[3]) within a certain prohibition zone (Prohibition Area) designated in the Civic Center area.[4] These actions went into effect on December 23, 2010 and set forth a map and phasing schedule for implementation of the ban. The project area includes the entire area affected by the Prohibition, which consists of the Malibu Civic Center area, as well as a small portion of unincorporated Los Angeles County.

In August 2011, the City entered into a Memorandum of Understanding (MOU) with the Water Boards that details the City's wastewater treatment plan for the Civic Center area, as defined in the Basin Plan amendment. The MOU establishes timelines for the design and construction of a centralized municipal wastewater treatment system and for connection of properties in the affected area to the facility. Under the MOU, which was amended in December 2014, properties in Phase 1 of the Prohibition Area (primarily the commercial core of the Civic Center) must connect by June 2017. Phase 2 (primarily residential properties) must connect by November 2022. A third phase may be

[3] In State Prohibition documents, onsite wastewater treatment systems, locally known as OWTSs, are referred to as onsite wastewater disposal systems, or OWDSs. The local term OWTS will be used throughout this report.
[4] The RWQCB adopted Resolution No. R4-2009-007 and the State Board adopted Resolution No. 2010-0045 amending the "Water Quality Control Plan for the Coastal Watersheds of Ventura and Los Angeles Counties," also known as the "Basin Plan." The amendment became effective in 2010.

implemented, depending on the outcome of the first two phases. For a phasing map of overall project implementation, refer to Figure 3-10 (pg. 3-24) of the Final EIR.

The overall project includes construction of a new wastewater collection system, a centralized wastewater treatment facility to treat the wastewater flows from Prohibition Area properties that will no longer be discharging to an OWTS, and a new recycled water pipeline system to provide non-potable recycled water for reuse.

The overall project objectives are to:

1. Satisfy the City's obligations pursuant to the MOU;
2. Improve water quality in areas adjacent to the commercial core area, including Malibu Creek and the Pacific Ocean;
3. Maximize reuse of recycled water;
4. Minimize saltwater intrusion into the groundwater basin with injection of highly treated effluent to support the Basin Plan designation[5];
5. Ensure sufficient injection and/or percolation capacity into the groundwater basin for any unused recycled water; and
6. Minimize cost to property owners.

The project will be constructed in three phases and consists of four main elements: 1) a wastewater treatment facility; 2) pump stations; 3) wastewater collection and recycled water distribution pipelines; and 4) percolation ponds and groundwater injection wells. An aerial map of the buildout project area with phases designated is included as Attachment 5; however, it should be noted that upon detailed design of Phases 2 and 3, additional ancillary facilities may be needed.

The project will provide disinfected tertiary treated wastewater that meets the requirements of Title 22 of the California Code of Regulations. The treatment method will utilize a membrane bioreactor system and ultraviolet disinfection. This level of treatment will allow for the unrestricted reuse of the recycled water, and the Project will maximize recycled water reuse for landscape irrigation and other nonpotable uses (i.e., toilet flushing, dust control) within the project area.

The treatment facility is designed to utilize modular components to allow phasing of installation. At project buildout (completion of all three phases), the facility will be a 507,000-gallons per day (gpd) capacity facility. This buildout capacity will not exceed the development levels allowed by the LCP, General Plan or M.M.C.

Each phase of the Civic Center Wastewater Treatment Facility project is intended to be financed through its own assessment district. The property owners in each particular

[5] The Basin Plan designates the groundwater basin underlying much of the Civic Center Area (the Malibu Valley Groundwater Basin) as a potential future municipal drinking water supply.

phase will have the ability to vote to approve or disapprove the formation of the assessment district. If the assessment district is passed, property owners will be assessed their fair share of the cost of their phase as determined by the City's consulting assessment engineer, based on the volume and concentration of wastewater estimated to be generated by their individual property. Assessment district formation is not before the City Council at this time. It is mentioned here for informational purposes and because the City recognizes that property owners' concerns about the cost of the project are a significant issue. The City is in the process of applying for grant funding and low interest loans through the State Revolving Fund to help offset as much of the costs of the project as possible.

The City is the lead agency under CEQA for the preparation and certification of the EIR. The EIR provides a project-level analysis of Phase 1, because detailed facility design has been completed. The EIR provides a programmatic-level analysis of the second and third phases, because detailed design will occur as those phases are implemented under the MOU. Detailed, project-level CEQA analysis of Phases 2 and 3 will be completed later as each phase is designed. The type of CEQA document will be determined by the CEQA provisions and the design details of each phase.

Phase 1 CDP and CUP

The subject CDP and CUP are being processed for Phase 1 of the project only. Separate CDPs and any other necessary entitlements will be processed as the future phases are designed. The development proposed under the project constitutes a major public works facility and, therefore, the Phase 1 CDP meets the definition of an appealable coastal development permit as defined in LIP Section 2.1.

The service area for the Phase 1 project includes the commercial properties of the Civic Center area, as well as Malibu Bluffs Park, Our Lady of Malibu church and school and the Crummer and Tow Site residential subdivisions that are entitled but not yet constructed. The treatment plant will be located at the site of an existing privately owned and operated package treatment plant at 24000 Civic Center Way. Two below-grade pump stations and ancillary above-ground equipment will be constructed, one in Legacy Park, and one in Malibu Bluffs Park. Two pipeline systems will be constructed within a single trench within public and private streets and easements. One pipeline will convey wastewater to the treatment plant, while the other will distribute Title 22, treated recycled water for irrigation and other reuse purposes, and also to injection wells for disposal into the Malibu Valley Groundwater Basin.

The project will bring wastewater collection and recycled water distribution pipelines to the property line of individual parcels. Individual property owners will be responsible for the improvements needed on their particular parcel to connect to the system. The City Environmental Health Administrator and Building Safety Division will design a septic decommissioning program that specifies the connection requirements. These requirements will follow the standards of the Malibu Plumbing Code and RMC's specifications to ensure the wastewater treatment facility will operate as designed. Examples of property owner requirements include, but are not limited to:

- Making a water-tight connection so that water from surrounding soils is not able to infiltrate pipes and artificially increase inflows to the treatment facility; and
- Not using water softeners, which contain excess salts that would undermine the treatment capabilities of the system to meet permitting requirements.

LCPA, ZTA and ZMA

The subject LCPA is proposed due to policies found in Chapter 7 (Public Works) of the LCP Land Use Plan (LUP) that address water and wastewater systems. LUP Policy 7.20 states, "Any proposed sewer system shall be submitted to and approved by the Coastal Commission as an LCPA prior to issuance of local permits and construction." A policy found in Section 18.10(D) of the LIP mirrors LUP Policy 7.20. The subject LCPA will fulfill these requirements, although it should be noted that the proposed project is a response to the Prohibition only and is not a proposed city-wide sewer system.

Zoning Text Amendment (ZTA) No. 13-008 and Zoning Map Amendment (ZMA) No. 13-003 provide corollary amendments to the M.M.C. to ensure its consistency with the LCP, as required by state law.

The amendments, which are discussed in more detail later in this report, create an overlay district for the proposed treatment plant site with development standards that are based on existing Institutional development standards, with some modifications due to the nature of the proposed public utility facility use and the characteristics of the site. The amendments also explicitly identify the Civic Center Wastewater Treatment Facility as a public utility facility use that is conditionally permitted in the zoning districts where the facilities will be located. Finally, the amendments establish a set of requirements and development standards in the LIP for permitting the treatment facility project to ensure it is consistent with all LCP and Coastal Act requirements.

At this time, no changes to the General Plan are proposed because no specific conflicts between the project and the existing goals, objectives, policies or implementation measures have been identified. However, staff recommends updating language in the General Plan to acknowledge the Civic Center Wastewater Treatment Facility whenever a comprehensive update of the document is undertaken in the future. Similarly, no necessary amendments to the LCP's LUP have been identified.

These proposed amendments were referred to the Zoning Ordinance Revisions and Code Enforcement Subcommittee (ZORACES) of the City Council for review and comment. ZORACES reviewed the amendments on January 28, 2014. ZORACES did not recommend any changes to the amendments and comments were generally supportive of the proposal.

Other Required Permits and Approvals

A public agency, other than the lead agency, that has discretionary approval power over a part of the project is known as a "Responsible Agency," as defined by CEQA Guidelines Section 15381. Table 1 below identifies the responsible agencies and the approvals that may be required for the project.

Table 1 – Permits and Approvals Needed

Agency	**Permit/Approval**	**Phase Obtained**
City of Malibu	General project entitlement and building permit Roadway Encroachment Permit Local Coastal Program Amendment Municipal Code Amendment Conditional Use Permit for treatment facility Coastal Development Permit	Phase 1 (all permits and entitlements)
California Coastal Commission	Local Coastal Program Amendment Certification Coastal Development Permit Approval (if appealed)	Phase 1 (certification and approval)
Los Angeles Regional Water Quality Control Board	National Pollutant Discharge Elimination System, Construction General Permit (Order Nos. 2009-0009-DWQ and 2010-0014-DWQ) Discharges of Groundwater from Construction Dewatering to Surface Waters (Order No. R4-2008-0032 (CAG994004)) Discharges of Low Threat Hydrostatic Test Water to Surface Waters (Order No. R4-2009-0068 (CAG674001)) (Potential) Water Reclamation Requirements/Waste Discharge Requirements for project operations and recycled water distribution and use	All phases All phases All Phases Phase 1
State Water Resources Control Board	General Waste Discharge Requirements (WDRs) for Sanitary Sewer Systems (Order No. 2006-0003) General Waste Discharge Requirements (WDRs) for Recycled Water Use (Order No. 2014-0090-DWQ)	Phase 1 Phase 1
California Department of Transportation	Encroachment permit	All phases
State Historic Preservation Officer	Concurrence letter	Phase 1
Los Angeles County Waterworks District No. 29	Duplication of Service Agreement Letter confirming water service	Phase 1
Los Angeles County Fire Department	Approval of Fuel Modification Plans Approval of Plans for meeting Fire Code	Phase 1 All phases
Los Angeles County Department of Public Health	Well construction permit Cross-Connection Program approval	Phase 1 and 3 Phase 1 and 3
Los Angeles County Department of Public Works	Roadway Encroachment Permit	All phases
California Department of Public Health	Letter of Approval of Title 22 Engineers Report	All phases
U. S. Environmental Protection Agency	Underground Injection Control permit	Phase 1
U.S. Fish and Wildlife Service	Federal Endangered Species Act Compliance (Section 7 Consultation) (Potential)	Phase 2
NOAA National Marine Fisheries Service	Federal Endangered Species Act Compliance (Section 7 Consultation) (Potential)	Phase 2
California Department of	State Endangered Species Act Compliance (Potential)	All phases

Table 1 – Permits and Approvals Needed		
Agency	**Permit/Approval**	**Phase Obtained**
Fish and Wildlife		
South Coast Air Quality Management District	Authority to Operate Rule 403 Fugitive Dust	Phase 1 All phases

Project Setting and Surrounding Land Uses

The project is located within the lower Malibu Creek watershed area and includes the Civic Center area of the City of Malibu and portions of unincorporated Los Angeles County (Refer to Figure 3-2, pg. 3-3 of the Final EIR). The overall project area overlies the Malibu Valley Groundwater Basin, which includes a shallow alluvial layer and a lower aquifer called the Civic Center Gravels. A hydraulically-separate alluvial zone contained within Winter Canyon, to the west of and adjacent to the Malibu Valley Groundwater Basin, is also part of the project area. Groundwater is not used as a municipal drinking water supply in either the groundwater basin or Winter Canyon, despite the designation in the Basin Plan for future potential use as such.

Land uses in the Civic Center area consist of a mix of commercial, residential, research and development, and institutional uses along with open space/undeveloped public lands. Low-density commercial shopping centers, City and county government buildings, four multi-family condominium developments and schools comprise the central portion of the area. All the developed properties in the Prohibition Area are served by individual OWTSs, except for a few properties that are served by offsite small package plant wastewater treatment facilities.

Areas along the coast consist of higher density single-family residential developments, such as the Malibu Colony, and open space/undeveloped land uses such as the Malibu Lagoon State Park, while lower density residential neighborhoods, such as the Malibu Knolls and Serra Retreat communities, are located in the northern and eastern portions of the area. As shown in Figure 3-2 (pg. 3-3) of the Final EIR, Malibu Creek and Malibu Lagoon are located in the central portion of the Prohibition Area. The area north and west of the Prohibition Area is predominantly occupied by open space/undeveloped and public land uses. Pepperdine University is located immediately west of and outside the Prohibition Area.

The service area for the Civic Center wastewater treatment system (all three phases) will match the boundaries of the Prohibition Area (Figure 3-3 of the Final EIR, pg. 3-4), which is generally bounded by Malibu Canyon Road to the west, the Sweetwater Mesa area east of Malibu Creek and Lagoon to the east, the Pacific Ocean to the south, and the southerly portion of the Santa Monica Mountains to the north. The Prohibition Area also includes a portion of unincorporated Los Angeles County.

The proposed treatment plant site is a 4.08-acre site at 24000 Civic Center Way, between Civic Center Way on the north, Pacific Coast Highway (PCH) on the south, and vacant land on the west.[6] The site has an upper terrace and lower terrace. The site is currently developed, in part, with a small-scale, private onsite wastewater treatment facility that serves the Malibu Colony Plaza shopping center, located south of PCH, and several other properties. The site also contains a small wetland environmentally sensitive habitat area (ESHA) and drainage course (Winter Canyon Creek), and 15 protected native California black walnut trees. Webster Elementary School, Our Lady of Malibu Church and school, and four condominium complexes are located just north of the site, across Civic Center Way.

The Phase 1 pump station proposed to be located in Legacy Park will be located in a disturbed pathway area. The pump station proposed to be located in Malibu Bluffs Park will be located at the west edge of the parking lot, near the trail head and beneath the paved parking area. No parking spaces or trail access will be disturbed. Any temporary disturbance to ESHA will be fully restored, and permanent impacts, should any occur, will be mitigated. Phase 1 pipelines will be located underground beneath existing paved and/or disturbed areas associated with public and private streets and easements. Injection wells will be located within the right-of-way of the north side of Malibu Road, adjacent to the Malibu Colony Plaza shopping center. One or more non-native coral trees may be removed but no parking will be affected by installation.

The treatment plant site is currently under private ownership, and under two separate Assessor Parcel Numbers (APNs). The property will be acquired by the City once the subject coastal development permit is approved and the Phase 1 assessment district is formed. The former Malibu Canyon Road right-of-way that bisects the property will be abandoned at that time.

Project Description

The project description has been broken down into the code amendment and development entitlement (CDP and CUP) components.

Code Amendments

The proposed amendments consist of five main components:

I. Civic Center Wastewater Treatment Facility (CCWTF) Institutional Overlay District with associated development standards for the LIP and M.M.C.;

II. Changes to permitted and conditionally permitted uses and new definitions in the LIP and M.M.C. to accommodate the facility, including the treatment plant itself and ancillary components such as pipelines and pump stations;

III. CCWTF Overlay District Map for the LIP and M.M.C. zoning maps;

[6] The vacant property to the west is the site of the proposed Rancho Malibu Hotel project, which was recently put on hold prior to completion of its Final EIR.

IV. Miscellaneous LIP and M.M.C. updates; and

V. LIP Chapter 18 (Onsite Wastewater Treatment Systems) updates to establish system design and permitting requirements for the treatment facility.

The amendments proposed for LCPA No. 13-002, ZTA No. 13-008 and ZMA No. 13-003 can be found in Sections 4 and 6 of Ordinance No. 386 (Attachment 1). An underline/strikethrough summary of legislative changes can be found in Attachment 4.

I. CCWTF Institutional Overlay District

The proposed treatment plant site is currently zoned CV-2 and contains an existing legal, non-conforming treatment facility. A new overlay district is needed that will accommodate the existing use on the site and maintain the site's underlying zoning in the event that the proposed project does not move forward and the site stays in the current property owner's hands, while also accommodating the proposed project, and maintaining the integrity of the underlying zoning district and compatibility with the surrounding area.

As mentioned previously, the standards of the new overlay district are based on the City's existing Institutional development standards that went into effect in 2013,[7] but with some modifications. The Institutional zone is intended for public and quasi-public facilities in the City, including governmental facilities, and conditionally allows public utility facilities. The Civic Center Wastewater Treatment Facility is a public utility facility, and a new definition explicitly stating this is proposed as one of the Miscellaneous Amendments in *Section IV* below. Details about amendments to existing permitted and conditionally permitted uses will be described in *Section II* below.

The proposed CCWTF Overlay will be placed on the treatment plant site. The modifications to the Institutional standards in the Overlay have only been introduced when needed to accommodate the unique development characteristics of a wastewater treatment facility and/or the physical constraints of the proposed treatment plant site. Otherwise, the Overlay states that all the Institutional development standards will apply to the facility, along with all other applicable LCP standards.

The project has the following unique siting and design requirements that warrant special consideration in the Overlay:

- The need to keep the existing wastewater treatment facility operational during new plant construction;
- The need to maintain certain existing facilities for use by the new plant (i.e., underground storage tank and seepage pits);
- Existing and nearby driveways, traffic light;

[7] The Institutional development standards were adopted by City Council and became part of the M.M.C. and LCP upon certification by the Coastal Commission in 2013.

- Onsite ESHA, protected native trees, steep slope areas;
- Los Angeles County Fire Department (LACFD) 26 foot access driveway requirement; and
- Engineering design requirements for the facility, such as pad size and elevation and placement of treatment modules for future phases.

Furthermore, the CCWTF Overlay states that the proposed standards will only apply in the event the site is acquired for use for this treatment facility. Otherwise, for the existing use on the treatment plant site, or any other proposed use on the site, the current CV-2 development standards and all applicable LCP and M.M.C. provisions remain in place.

The CCWTF Overlay district will be placed in LIP Section 3.4 (Overlay Zones). The corollary amendment to M.M.C. Title 17 matches the LCPA verbatim, and will be placed as a new subsection of M.M.C. Section 17.42.020 (Custom Development Criteria – Overlay Districts).

Table 2 summarizes the development standards that will apply to the treatment facility under the proposed CCWTF Overlay. For reference, Table 2 includes language for some existing Institutional standards that do not require modification. Those standards will remain applicable as is, and are only listed in the table to provide a more comprehensive overview of what standards will apply to the treatment facility project.

Table 2 – Development Standards Summary / Comparison			
Item	**Institutional Standard**	**Proposed Overlay**	**Staff Notes**
Setbacks			
Front Yard Setback	10'	5'	Special consideration is necessary due to onsite. topography, equipment siting requirements, ESHA constraints and Fire Department and access requirements
Side Yard Setback	5' (increased 10% of lot width or 10' (whichever is greater) when adjacent to a residentially-zoned parcel)	Use Institutional standard	No modification needed
Rear Yard Setback	5' (increased 15% of lot width or 15' (whichever is greater) when adjacent to a residentially-zoned parcel)	Use Institutional standard	No modification needed
Projections into Yards	5' for underground structures; 3' for ground-mounted equipment	Use general development standard	No modification needed
ESHA	100'	100' unless Overlay siting requirements met	Habitat assessment and site plan show minor areas where the full 100 foot buffer is not be feasible, but equivalent onsite restorative planting will be required.

Table 2 – Development Standards Summary / Comparison			
Item	**Institutional Standard**	**Proposed Overlay**	**Staff Notes**
Height			
Height	28' with Site Plan Review (SPR), for flat or pitched roof	Use Institutional standard, except no SPR required	Special height consideration is necessary due to the height of some of the above-grade equipment that will require covering and/or enclosure.
Height Projections	35' with SPR for flagpoles, satellite dishes, safety railings, elevator shafts, stairwells, church spires, and belfries; also roof-top mechanical equipment if integrated, screened, and projects no more than 2'	Use Institutional standard	No modification needed; however, the treatment plant is not expected to require the additional height up to 35'
Stories	2	Use Institutional standard	No modification needed
Structure Size			
Floor Area Ratio	0.15 (can be increased to 0.20 with Council approval and where public benefits and amenities are provided as part of the project)	Use Institutional standard	No modification needed
Landform			
Grading	1,000 cubic yard non-exempt per acre	Use LIP Chapter 8 Institutional standard, except all driveway grading is exempt	Special consideration is necessary due to Fire Department access width requirements, onsite topography, and siting constraints due to equipment requirements and ESHA constraints
Retaining Walls	6' for single wall; 12' for combination of two walls within and outside required yards	Use general development standards and LIP Chapter 8 grading standards, except a single retaining wall is allowed up to 7' within required yards and up to 12' outside required yards, if veneers and/or natural colors are used	Special consideration is necessary due to onsite topography, equipment siting requirements, ESHA constraints and Fire Department and access requirements
Slopes	None	Use Institutional standard	No modification needed
Site Permeability	25% of lot area must be landscaped; additional 5% must be permeable surface, for a total of 30%	Use Institutional standard	No modification needed
Open Space	None	Use Institutional standard	No modification needed
Landscaping	See Site Permeability	Use Institutional standard	No modification needed
Site Improvements			
Fencing (all yards)	42" solid, up to 8' view permeable if portion above 42" is view permeable	Use Institutional standard, except portion above 42" does not have to be view permeable when screening structures/ equipment, and vegetative screening shall	Allows for improved security fencing for public safety, when necessary, and improved solid screening (structural or vegetative) of facilities to

Table 2 – Development Standards Summary / Comparison			
Item	**Institutional Standard**	**Proposed Overlay**	**Staff Notes**
		not have a height limit except where private primary views or public views of scenic resources would be blocked.	protect public and private views, and minimize potential noise and odor transfer
Fencing (ESHA)	LIP Chapter 4 (ESHA) fencing standards (Section 4.6.32 and 4.7.2)	LIP Chapter 4 (ESHA) fencing standards (Section 4.6.32 and 4.7.2) apply	No modification needed. Existing standards specify no fencing in ESHA except for public safety purposes; wildlife permeable fencing in wildlife corridor.
Lighting	Lighting standards of LIP Chapter 4 (ESHA) and Chapter 6 (Scenic and Visual Resources)	Lighting standards of LIP Chapter 4 (ESHA) and Chapter 6 (Scenic and Visual Resources) apply	No modification needed. Existing standards call for lighting to be minimized, no light source to be visible from offsite, no light spill into ESHA, security lighting to be motion activated. Safety lighting is exempt.
Parking/Loading			
Parking Spaces	For public utility facilities, one per employee, but no less than two spaces;	Use public utility facility parking standard	No modification needed. Up to three employees are anticipated to run the facility at full buildout; two employees for Phase 1.
Parking Design Standards	Design standards apply to lots with six or more spaces	Exempt	The operations and lab components of the project are integral to treatment plant operation and are not open to the general public. The parking will be screened by landscape and other screening design elements, and the access driveway meets Fire Department standards.
Loading	One 10'x20' loading bay for 3,000 to 20,000 sf gross floor area	Exempt	No public access, parking or circulation will be allowed within the treatment plant site. Treatment plant facilities do not require standard loading bays. Offstreet turn out areas located outside the required 26 foot wide Fire Department access will be provided.

II. Updates to Permitted and Conditionally Permitted Uses

Amendments to the permitted and conditionally permitted uses of the LIP (found in LIP Appendix 1, Table B - Permitted Uses) and in M.M.C. Title 17 (Zoning) are proposed to ensure the treatment facility's consistency with City zoning codes. Changes to Table B are summarized in Figure 1 below.

Currently, public utility facilities are allowed as a conditionally permitted use in the CV-1 and CV-2 zones by the LIP, as limited by footnote 4 of Table B. Footnote 4, which is applicable to a number of commercial and non-commercial uses (public and private) throughout Table B, requires that the identified uses devote at least 50 percent of the total floor area to visitor serving commercial use. The M.M.C. also conditionally allows public utility facilities in the CV-1 and CV-2 districts, but without the visitor serving floor area caveat. Because the proposed treatment facility is not a commercial use, an amendment to LIP Table B footnote 4 is proposed to exempt the Civic Center Wastewater Treatment Facility from the floor area requirement. The amendment does not change the applicability of the footnote for any other uses.

Figure 1. Updates to Table B – Permitted Uses

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Public utility facilities	CUP	CUP	CUP	CUP	•	•	•	CUP	CUP	CUP[4]	CUP[4]	CUP	~~CUP[15]~~ •	CUP	•	•

USE	RR	SF	MF	MFBF	MHR	CR	BPO	CN	CC	CV-1	CV-2	CG	OS	I	PRF	RVP
PUBLIC, QUASI-PUBLIC, OR NON-PROFIT USES																
Wastewater storage and hauling	•	•	•	•	•	•	•	•	•	•	~~CUP[16]~~ •	CUP	•	•	•	•

Notes
1. Subject to Residential Development Standards (Section 3.6)
2. Subject to Home Occupations Standards [(Section 3.6(O)]
3. Use Prohibited in Environmentally Sensitive Habitat Areas
4. This commercial use may be permitted only if at least 50% of the total floor area of the project is devoted to visitor serving commercial use. This floor area requirement shall not apply to the Civic Center Wastewater Treatment Facility.
5. CUP for veterinary hospitals
6. Maximum interior occupancy of 125 persons
7. If exceeding interior occupancy of 125 persons
8. By hand only
9. Use permitted only if available to general public
10. Charitable, philanthropic, or educational non-profit activities shall be limited to permanent uses that occur within an enclosed building.
11. Sports field lighting shall be limited to the main sports field at Malibu High School and subject to the standards of LIP Section 4.6.2 and 6.5(G)
12. Limited to public agency use only (not for private use)
13. Accessory uses when part of an educational or non-profit (non-commercial) use. However, residential care facilities for the elderly are limited to operation by a non-profit only
14. CUP for facilities within a side or rear yard when adjacent to a residentially-zoned parcel.
15. Conditionally permitted only when facilities are ancillary to the Civic Center Wastewater Treatment Facility, including but not limited to injection wells, generators, and pump stations.
16. This use is conditionally permitted in the Civic Center Wastewater Treatment Facility Institutional Overlay District and only when associated with an existing wastewater treatment facility or with the Civic Center Wastewater Treatment Facility.

Legacy Park, where one of the pump stations is proposed, is zoned CV-1, so the amendment will conditionally allow this proposed siting. However, Malibu Bluffs Park is zoned Public Open Space (POS). Public utility facilities are currently prohibited in the POS zone district according to Table B, although certain City parks already contain utility facilities (e.g., the stormwater treatment facilities in Legacy Park and the Water District 29 water storage tank at Trancas Park). M.M.C. Chapter 17.32 (POS Public Open Space District) is silent with respect to public utility facilities as a permitted or conditionally permitted use; therefore, such use is deemed prohibited.

The code updates will make public utility facilities in the POS zone a conditionally permitted use, but only if the facilities are ancillary specifically to the Civic Center Wastewater Treatment Facility. This caveat is called out in a new footnote 15 to LIP Table B. A corollary amendment is included to add consistent language to M.M.C. Section 17.32.030 (Conditionally Permitted Uses in the POS District). The POS amendment will not affect other existing utility facilities in the POS district. To ensure the proposed pump stations will not adversely affect public access, ESHA or recreational uses within Legacy Park and Malibu Bluffs Park, the Overlay district provides siting and design standards for these facilities.

Currently, wastewater storage and hauling is a prohibited use in the CV-2 district per LIP Table B, while the M.M.C. is silent on the use. Standard operation of the proposed treatment facility, as well as the existing small, privately operated treatment plant on the site, involves storage of some wastewater onsite and periodic hauling of wastewater residuals for disposal. The code updates propose to make this a conditionally permitted use in the CV-2 zone. In Table B, the use will be subject to a new footnote 16 which limits its applicability to the CCWTF Institutional Overlay District, and only for existing wastewater treatment facilities or the Civic Center Wastewater Treatment Facility. The matching corollary amendment is included in the M.M.C. permitted and conditionally permitted uses.

III. CCWTF Institutional Overlay District Map

The CCWTF Institutional Overlay will be placed on the property at 24000 Civic Center Way (APNs 4458-028-006 and -020), including the former Malibu Canyon Road right-of-way that will be abandoned upon the City's acquisition of the property. The amendment includes adding a new Overlay map to the LIP Zoning Map, and an identical map to the M.M.C. Zoning Map. The map is included as Exhibit A to Ordinance No. 386 (Attachment 1).

The development standards set forth in the CCWTF Institutional Overlay district are intended to ensure the project will be constructed and operated in a manner compatible with the surrounding community and that is protective of coastal resources. Even if the Overlay is applied to this site, the proposed treatment facility cannot be constructed here without complying with the general LCP requirement to demonstrate the project is the least environmentally damaging alternative, along with the other development standards and requirements set forth in these code amendments.

IV. Miscellaneous Amendments

These amendments provide clarification and overall consistency between the LCP and M.M.C. As mentioned previously, a definition for the term "Civic Center Wastewater Treatment Facility" is included to explicitly tie the proposed new Overlay district and other development standards to the proposed Civic Center Wastewater Treatment Facility project specifically, and distinguish them from other public utility facilities or other treatment plants more generally. The definition will be added to LIP Section 2.1 and M.M.C. Section 17.02.060.

The other miscellaneous amendments add language to clarify that some properties will be connecting to the proposed centralized treatment facility rather than using OWTSs for wastewater disposal. Approval from the Public Works Department for any connection to the proposed treatment facility will be required. The design of the treatment plant and the assessment or other special district that will ultimately fund it are based on detailed analyses of current LCP land uses and existing development wastewater data and permits. The Public Works Department will review proposed development projects to ensure connections are made consistent with these data.

For the M.M.C., amendments also update existing policies that require wastewater for residential projects and commercial projects to be disposed of on the site where it is generated. The amendment adds language to M.M.C. Sections 17.40.040(A)(14) and 17.40.040(A)(7) to account for properties that will be connected to the proposed treatment facility.

V. LIP Chapter 18 (OWTS Ordinance) – Treatment Facility Requirements

A new Section 18.10 setting forth requirements and design standards for the Civic Center Wastewater Treatment Facility is proposed for inclusion in LIP Chapter 18, along with renumbering of subsequent sections. No corollary amendment to M.M.C. is applicable. Other updates to Chapter 18 clarify existing standards and better organize the chapter.

The new proposed section of LIP Chapter 18 addresses permitting and submittal requirements, findings and design and performance standards tailored to the unique characteristics of the proposed treatment facility. These requirements apply in addition to all the standard LCP submittal requirements and findings for a CDP. Some additional "housekeeping" modifications to this chapter clarify how the new section relates to existing provisions.

The amendments provide the following submittal requirements:

- An engineering report that includes a project description and the basis of design for collection system flows, anticipated treatment system performance requirements, construction requirements, effluent disposal methods, water reclamation capacity and a facility site plan.

- Documentation that the project complies, or will comply, with the requirements contained in this chapter and anticipated Wastewater Discharge Requirements and/or Water Reclamation Requirements to be issued by the Regional Board (with input from the California Department of Public Health for water reclamation).

The amendments provide the following design standards and implementation requirements:

- The build out design capacity of the CCWTF, including all phases, shall not exceed the amount of development allowed by the LCP.

- The project shall comply with the requirements contained in this chapter, current Guidelines of the Regional Board or such other requirements of the City of Malibu, whichever are more stringent.

- The CCWTF treatment plant and all associated infrastructure shall be sited and designed in conformance with LIP Section 3.4.4 and all applicable LCP policies and standards.

- Pipeline crossings of streams and/or encroachment into riparian/wetland areas shall be kept to a minimum; where necessary, such crossings or encroachments shall be sited in disturbed areas or underground to the extent feasible, and shall be designed to be the least environmentally damaging alternative, given consideration of both construction and operation/maintenance.

- Effluent disposal methods shall be the least environmentally damaging feasible alternatives, and shall maximize reuse of recycled wastewater as much as feasible in accordance with LCP policies.

- The facility shall incorporate industry-standard fail safes, redundancies, and other such secondary protection measures as necessary to minimize the potential for environmental damage.

The amendments also require the City to establish an OWTS decommissioning and wastewater connection program that will meet LARWQCB and Plumbing Code requirements, and to ensure new or modified water wells in the project area meet groundwater protection zone requirements established by the California Department of Public Health to ensure the treatment plant and injection wells will operate properly.

The new section is designed to be similar to the submittal and review requirements that apply to OWTSs, while also ensuring the proposed treatment facility will be consistent with LCP coastal resource protection policies, specifically, LUP 7.19. LUP 7.19 states:

> "A City-wide public sewer system may be designed and proposed, in consultation with the Departments of Health Services and Public Works where it is found to be the least environmentally damaging wastewater treatment alternative, where it is designed to serve a capacity of development which does not exceed the amount allowed by the LCP, and where it is found to be consistent with all other policies of the LCP. In particular, the proposed method of effluent disposal shall be required to be consistent with policies requiring the protection of marine resources, riparian habitat and water quality."

While this policy is aimed at City-wide public sewer systems, presumably the same guidelines apply to a smaller centralized system like the proposed treatment facility.

Ordinance No. 386 contains all proposed amendment language and all required findings.

Phase 1 Development Entitlements

The scope of work proposed under CDP No. 13-057 for Phase 1 of the project is listed below. An annotated treatment plant site plan, and aerial views with visual depictions of the offsite equipment are included as Attachment 5. Project Plans can be found in Attachment 6.

See the Final EIR, Chapter 3 (Project Description) at Section 3.3. for a complete description of facilities (Phases 1 through 3) and figures of the treatment plant, pump stations and injection wells. Construction methods are discussed in Section 3.5.

Treatment Plant Site

1. Removal of existing onsite wastewater treatment facilities (after its existing flows are connected to the new treatment plant), except for an underground 50,000 gallon treatment tank and existing seepage pits that will be reused;

2. Relocation of utilities, as needed;

3. Grading and site preparation;

4. Construction of treatment plant facilities;

   Above-ground facilities include a headworks facility building (2,140 square feet, 18-21 feet high); operations/lab controls building (1,502 square feet, 15-16 feet high, housing employees for plant operation and water quality testing); membrane bioreactor blower and electrical building (910 square feet, 15-16 feet high); a solids blower building (389 square feet, 15-16 feet high); a canopy-covered pair of below-grade membrane bioreactors and filtration equipment (1,989 square foot canopy footprint, 23-25 feet high, covering a maintenance crane and below-grade bioreactor tanks); a secure, roofed, 248 square foot chemical area 11-12 feet high, walled on three sides and gated on the fourth with an adjacent uncovered 14 to 15 foot high storage tank; standby generator; transformer and other equipment. Heights may vary but will not exceed 28 feet).

At-grade and below-ground facilities include a new 26-foot wide driveway as required by the LACFD; a sidewalk along Civic Center Way; various ultraviolet and other treatment and storage tanks; piping, odor control beds, electrical, pumping and other ancillary equipment; and three to four percolation ponds. The percolation ponds allow for periodic percolation of fully treated recycled water into the Winter Canyon groundwater system, as back-up for operational and maintenance needs, and are expected to be used less than 10 percent of the time. The ponds will appear like dry soil depressions approximately 3 to 4 feet deep, approximately 25 wide and 110 feet long.

All treatment facilities will be residentially-scaled, enclosed and/or covered, and odor-scrubbed. Buildings and equipment will use sound-dampening measures to abate noise. The site will be gated and fenced (6 foot tall wire mesh fencing that can accommodate plantings for screening) and have minimal security lighting that is dark-sky compliant.

5. Fuel modification, native and/or drought-tolerant landscaping to screen the facilities and onsite restoration of disturbed areas to offset reduced ESHA buffer;

Legacy Park and Bluffs Park Pump Stations

6. Construction of one pump station at each park that will move wastewater to areas of higher elevation, with the pump stations located underground, and ancillary equipment, such as backup generators and transformers, above-ground in storage cabinets, and sited in paved or disturbed areas as much as feasible;

Pipelines

7. A wastewater collection system to convey wastewater flows from properties in the Project Area to the proposed treatment facility, and a recycled water distribution system to distribute treated effluent (recycled water) from the treatment facility to various properties for reuse purposes, as well as to groundwater injection wells, consisting of approximately 3.9 miles for Phase 1, underground, typically in the same trench, and generally beneath public rights-of-way or within easements; and

Injection Wells

8. Installation of three injection wells on the north side of Malibu Road in the right-of-way, about 400 feet apart, approximately 150 feet deep to inject treated recycled water into the lower aquifer (known as the Civic Center gravels) of the Malibu Valley Groundwater Basin, with above-ground well head facilities to be placed in

mesh cages measuring approximately 12 feet wide by 26 feet long by 6 feet high, screened with landscaping.

Reliability for the system will be ensured by providing unit redundancy (i.e., more than one unit so that one unit can be operational if maintenance or repair is needed on the other), including two biological reactors, dual force mains to the treatment plant, and multiple membrane tanks. In addition, spare equipment will be kept onsite and flows will be managed using an equalization basin and clearwell storage.

Phase 1 operations will accommodate up to 191,000 gallons per day (gpd) of wastewater flows at maximum capacity. This assumes full buildout and connection of all Phase 1 properties. However, planned average injection rates are projected to be 148,000 gpd for Phase 1.

A detailed discussion of the treatment technology and process, as well as operations and maintenance can be found in Section 3.3 and 3.4.4, respectively, of Chapter 3 of the Final EIR.

CUP No. 13-005 is also proposed to allow public facilities use within the CV-1, CV-2 and POS zoning districts, only when associated with the Civic Center Wastewater Treatment Facility.

LCP Analysis

The Malibu LCP consists of the LUP and the LIP. The LUP contains programs and policies to implement the Coastal Act in Malibu. The purpose of the LIP is to carry out the policies of the LUP. The LIP contains specific policies and regulations to which every project requiring a coastal development permit must adhere. This project has been reviewed and approved for LCP conformance review by the Planning Department, as well as the City Biologist, City Geologist, City Environmental Health Administrator, City Public Works Department, the LACFD and the Los Angeles County Sheriff. Departmental review sheets are included as Attachment 8.

There are 14 sections within the LIP that potentially require conformance review and specific findings to be made for CDP No. 13-057, depending on the nature and location of the proposed project. Of these 14, four sections are for conformance review only and require no findings. These sections include Zoning, Grading, Archaeological / Cultural Resources, and Water Quality, and are discussed under the *LIP Conformance* section.

The remaining 10 sections that potentially require specific findings to be made for approval of CDP No. 13-057 are found in the following LIP chapters: 1) Coastal Development Permit Findings; 2) ESHA; 3) Native Tree Protection; 4) Scenic, Visual and Hillside Resource Protection; 5) Transfer of Development Credits; 6) Hazards; 7) Shoreline and Bluff Development; 8) Public Access; 9) Land Division; and 10) OWTS. Of these ten, findings in all sections except Transfer of Development Credits, Shoreline and Bluff Development and Land Division apply to the project. Consistency review with applicable sections is discussed later in the *LIP Findings* section.

The proposed project also includes text and map amendments to the LCP and M.M.C. The finding required by LIP Chapter 19 for an LCPA No. 13-002 is discussed under the *LIP Findings* section. The findings required by M.M.C. Chapter 17.74 for ZTA No. 13-008 and ZMA No. 13-003 are discussed under the *M.M.C. Findings* section. The findings required by M.M.C. Section 17.66.080 for CUP No. 13-005 are also found in that section.

All required findings can be found in the attached Ordinance No. 386 and Resolution No. 15-05.

<u>LIP Conformance</u>

Zoning (LIP Chapter 3)

Currently, LIP Chapter 3 does not include any development standards specifically for public utility facilities, such as the proposed project. The CCWTF Institutional Overlay District, if approved, will establish development standards specifically for this project on the proposed treatment plant site. Table 3 provides a conformance summary of the treatment plant site development based on the proposed Overlay and indicates that the proposed project meets the property development and design standards of LIP Chapter 3, with the proposed amendment. The LCP does not provide development standards in LIP Chapter 3 for the pipelines, pump stations or injection wells.

Table 3 – Zoning Conformance (CCWTF Institutional Overlay)

Development Requirement	Allowed / Required	Proposed	Comments
SETBACKS			
Front Yard	5 feet	15 feet (Blower/Electrical Building)	Complies
Rear Yard	5 feet	47 feet (Lab/Ops/Control Building)	Complies
Side Yard	5 feet	69 feet (Solids Blower Building)	Complies
Ground-mounted Equipment	3 feet	5 feet (Transformer)	Complies
Below-grade structures	5 feet	9 feet (Influent Pump Station)	Complies
Wetland ESHA	<100 feet if offset with restoration	<100 feet (driveway, gate) offset with restoration	Complies

FLOOR AREA RATIO (FAR)	0.15	.027	Complies
HEIGHT	28 feet	25 feet	Complies
PARKING	2 unenclosed	7 unenclosed	Complies
LANDSCAPE AND PERMEABILITY 25% landscape + 5% permeable area = 30%	 44,469 sq. ft. <u>+ 8,894 sq. ft.</u> 53,363 sq. ft.	 144,541 sq. ft. (new and existing landscape)	 Complies
STRUCTURES ON SLOPES	N/A	1:1 and steeper (Retaining Wall)	Complies
FENCE / WALL HEIGHT			
Fences	42 inches solid, up to 8 feet permeable, except when screening	42 inches solid, up to 8 feet permeable, except when screening	Complies
Single Retaining Wall	7 feet in yards, 12 feet out of yards	7 feet in yards, 12 feet out of yards	Complies
ESHA	Wildlife permeable, except where needed for public safety	Wildlife permeable, except where required for public safety	Complies

As shown in Table 3, the proposed treatment plant project complies with the proposed CCWTF Institutional Overlay development standards, as proposed for LIP Chapter 3.

Grading (LIP Chapter 8)

Grading plans and calculations were prepared for the Phase 1 project. Table 4 summarizes the calculations and evaluates them based on language proposed in the Overlay that would make all access driveway grading exempt from the existing 1,000 cubic yard per acre limitation on non-exempt grading. Normally, only the grading associated with width of a driveway over 15 feet is exempt. As mentioned in the Grading portion of Table 2, special consideration for grading quantities is warranted due to the 26 foot width required for the LACFD access, in combination with site topography and siting constraints, such as onsite ESHA and equipment siting requirements.

With the proposed amendments, the project requires 2,785 cubic yards of non-exempt grading. Based on the site area of 4.08 acres, the project complies with the 4,080 cubic yards of non-exempt grading allowed.

Table 4 – LCP Grading Conformance – Treatment Plant Site						
	Exempt			Non-Exempt	Remedial	Total
	R&R	*Understructure*	*Access*			
Cut	1,338	7,809	1,371	1,112	0	11,630
Fill	1,338	1,039	1,142	1,673	0	5,192
Total	**2,676**	**8,847**	**2,513**	**2,785**	**0**	**22,013**
Import	0	1,039	914	208	0	2,161
Export	0	7,455	457	0	0	10,073

Note: All quantities in cubic yards; R&R = Removal and Recompaction; Exempt grading = includes all R&R, understructure, and access grading, including site access and emergency access (driveways, turnouts and hammerheads required by LACFD) as amended by the LCPA/ZTA).

The project will maintain the existing upper and lower terraces on the property, and will not affect the steep slopes descending to the wetland area or ascending up toward PCH. As such, the project is consistent with the LCP's policies to ensure new development minimizes the visual resource impacts of grading and landform alteration. The Public Works Department has reviewed the proposed project and deemed the project consistent with LIP Chapter 8.

Archaeological / Cultural Resources (LIP Chapter 11)

Archaeological, cultural and paleontological resources are discussed in Section 4.4 of the Final EIR. To adequately assess the treatment plant site and overall project area covered by the EIR, a Historical and Archaeological Resources Technical Report was prepared for the project area (Phases 1 through 3). The report was prepared by a qualified archaeologist and a qualified historian. The report covers an Area of Potential Effect (APE) of 0.25 mile from the project development areas (i.e., the treatment plant site, facilities and pipelines). A records search of the South Central Coastal Information Center (SCCIC) at California State University, Fullerton was conducted for resources within one mile of the treatment facility and all three phases of pipelines. The study also included field surveys of the treatment plant site and architectural sites more than 45 years old along the pipeline conveyance system. A sacred lands file search through the Native American Heritage Commission indicated that there are Native American sacred places and/or sites in the vicinity of the APE. Outreach in writing and by phone to Native American contacts for tribal governments and individuals, as well as interested parties, were also conducted.

The report concludes that four sites of potential cultural significance are located in or near the project area. Two are located on the site adjacent to the treatment plant property, and while construction activities will not affect them, archaeological and cultural resource monitoring of construction are recommended due to proximity. The third site is located south of PCH near the Adamson House. Project-related infrastructure will be located within PCH, so construction impacts to the site are not expected, but monitoring is recommended in case some prehistoric deposits remain intact within the highway bounds. The fourth site is within a northern portion of Malibu Road. While the pipeline in this location will be located in the middle of the street, the City will conduct pre-excavation borings to determine if resources are present or additional mitigation is needed. Again, cultural and Native American monitoring in this area is recommended.

Implementation of Mitigation Measure (MM) AR-1, archaeological and cultural resources monitoring, will be required for all ground-disturbing activity in the area of the proposed wastewater treatment facility, and for pipeline excavations that take place adjacent to the site near the Adamson House and along Malibu Road west of Webb Way. Monitoring will not be required for the installation of underground pipelines installed in previously disturbed soils in or adjacent to existing roadways and easements, except at specified areas. Implementation of MM AR-2 calls for pre-excavation probings and/or borings to be conducted along the proposed pipeline location in Malibu Road, adjacent to the recorded archaeological site. The certified archaeologist and the culturally-affiliated Native American monitoring the borings will determine if archaeologically significant resources are present and at risk from construction. If present, all work in the area will be halted until a treatment plan is developed and implemented.

Paleontology is the study of life in past geologic time as evidenced by fossil plants and animals. The majority of the project area is situated on surficial deposits of Quaternary alluvium and marine deposits which are known to encompass paleontological resources, so the paleontological sensitivity of the project area is considered high. Due to the moderate to high level of potential for encountering and inadvertently damaging or destroying paleontological resources, Mitigation Measure MM PR-1 is included to require a qualified paleontological monitor for excavations that will occur below five feet. The monitor shall have the discretion to reduce monitoring in areas where sediments have been previously disturbed.

Standard conditions of approval have also been included in Resolution No. 15-05, along with the requirement to implement the measures of the MMRP. With standard conditions and the recommended mitigation measures, the project will not result in significant adverse impacts to cultural resources.

Water Quality (LIP Chapter 17)

The City Public Works Department has reviewed the EIR and Phase 1 project plans, and on July 16, 2014, determined that the CDP is in conformance with the LIP Chapter 17 and the M.M.C. and can proceed through the planning process. The treatment plant site and grading plan have been designed so that stormwater runoff from roofs, gutters and site surfaces will be routed to designated sump locations and returned to the headworks for treatment prior to leaving the property through existing storm drains. This design also ensures that, in the unlikely event of a spill, nothing flows off the site.

Standard conditions of approval are identified to be implemented during construction and operation, including requiring that a final grading and drainage plan be approved prior to issuance of grading permits. The plan must include stormwater management to mitigate increased runoff associated with site development, a stormwater pollution prevention plan (SWPPP) and a wet weather erosion and sediment control plan. A water quality mitigation plan is required that will include installation and maintenance of permanent site design and source control stormwater management best management practices (BMPs) to meet the requirements of the City's current Municipal Separate Storm Sewer System (MS4) permit.

In general, the project is designed to comply with the Prohibition orders, which are intended to result in meaningful reductions in bacterial and nutrient impairments of Malibu Creek, Malibu Lagoon and nearby beaches. The Final EIR determined that neither the construction nor the operation of the proposed project will result in a significant degradation of surface or ground water quality, or in a violation of any water quality standards, including the Prohibition. The only mitigation measure required pertains to tsunami hazards and is discussed later in the Hazards section. A detailed discussion of the water quality analyses performed for the project can be found in Section 4.7 of the Final EIR (Hydrology and Water Quality), and all supporting water quality studies and analyses are provided in Appendix G of the Final EIR.[8]

LIP Findings

Coastal Development Permit Findings (LIP Chapter 13)

If LCPA No. 13-002 / ZTA No. 13-008 are approved, the project, as conditioned, conforms to the certified LCP in that it meets all required development standards proposed. Furthermore, a reasonable range of feasible alternatives was evaluated in Chapter 5 of the Final EIR. Additional clarifying information and discussion is provided in the Responses to Draft EIR Comments found in Appendix K of the Final EIR, as numerous comments pertaining to alternative project concepts, sites, and treatment technologies were received. The proposed project is the least environmentally damaging, feasible alternative. As discussed herein, all other required LCP findings can be made.

Environmentally Sensitive Habitat Area Findings (LIP Chapter 4)

The Final EIR includes three reports that document the biological resource impacts associated with all three phases the Project: Appendix C (Habitat Assessment); Appendix D (Native Tree Protection Plan); and Appendix E (Jurisdictional Delineation Report). The treatment plant site supports wetland ESHA and protected native black walnut trees. Five trees are expected to be removed, and an additional three may be affected by protected zone encroachment during site development. The project area also includes roosting habitat for nesting birds and special status bat species. As required by the code amendments, treatment plant construction is expected to avoid all wetland ESHA and the required 100 foot wetland ESHA buffer, except for driveway

[8] Appendix G includes the following documents: G1 – Ocean Dilution Analysis Technical Memorandum, G2 – Assimilative Capacity and Anti-degradation Analysis for Proposed Injection Dispersal Technical Memorandum, G-3 – Geochemical Modeling Assessment, G-4 – Groundwater Modeling Assessment and G5 – Supplemental Groundwater Modeling Analysis.

construction, which overlays the existing driveway as much as feasible, and an infiltration zone that captures and filters driveway runoff. Furthermore, no impacts to ESHA or native trees are expected to occur as a result of Phase 1 pipeline or pump station construction.

On July 15, 2014, the City Biologist determined that the Phase 1 project is consistent with City goals and policies and can proceed through the planning process, subject to conditions of approval and MM BIO-1 through MM BIO-17 in the Final EIR, which are included in Resolution No. 15-05 in Section 11 and Exhibit A, respectively. With the conditions and mitigation measures, the proposed project will not result in significant adverse impacts on ESHA or biological resources.

Native Tree Protection Ordinance Findings (LIP Chapter 5)

As discussed in the ESHA section above, native trees are affected by the project. The project will comply with the LCPA standards requiring avoidance of native trees as much as feasible, and will mitigate for the impacted trees as called for in the Native Tree Protection Plan, conditions of approval and mitigation measures. The project complies with LIP Chapter 5 and the findings can be made.

Scenic, Visual and Hillside Findings (LIP Chapter 6)

The Scenic, Visual and Hillside Resource Protection Chapter governs those CDP applications concerning any parcel of land that is located along, within, or provides views to, or is visible from, any scenic area, scenic road or public viewing area. PCH and Malibu Canyon Road are designated as scenic roadways per the LCP. The treatment plant site is briefly visible from PCH, and is visible from a distance from a portion of Malibu Canyon Road. The site is also visible from the private viewing areas of the multifamily residences across Civic Center Way. In addition, Legacy Park and Malibu Bluffs Park are designated scenic areas.

At present, the treatment plant site contains existing wastewater facilities, such as large white trickling filter tanks, and has utilitarian, semi-industrial character, with no landscaping or architectural features. Story poles were installed on the treatment plant site to depict the location, height and mass of the Phase 1 project. A visual analysis of the project's visual impact from public viewing areas was conducted through site reconnaissance, a review of the story poles, architectural plans, visual simulations and an investigation of the character of the surrounding properties. Visual simulations of the treatment plant site were prepared that incorporate extensive landscape screening and illustrate how the site is expected to look in five years and in 20 years. Refer to Section 4.1 of the Final EIR for site photos and visual simulations.

The appearance of the treatment plant site will change as a result of the project, in part due to the loss of five native trees, but also from construction of new, architecturally and vegetatively screened facilities and new landscaping. Though the landscape screening will be extensive, fuel modification requirements of the Fire Department limit some planting by prohibiting trees and shrubs that are located too close to, or overhang, structures. Consequently, some buildings and facilities on the site will still be visible from Malibu Canyon Road and PCH, as well as from some of the residences across Civic Center Way; however, by meeting the design standards in the code amendments, the facilities will blend into the surrounding natural environment and are not expected to result in significant adverse visual impacts. The above-ground facilities associated with the pump stations will be visible from the parks, but will be hidden in cabinets and/or screened by vegetation. While not in a scenic area, the injection wells on Malibu Road will also be screened and/or landscaped to blend with the surrounding area. The visual impact of the removed native trees will be mitigated by the new native landscaping proposed with the project. The project complies with LIP Chapter 6 and the required findings can be made.

Hazards Findings (LIP Chapter 9)

The project was analyzed for the hazards listed in LIP Section 9.2(A)(1-7). The applicant submitted the following documents/data, which are on file at the City:

- Geotechnical Investigation Report: Wastewater, Recycled Water, and Effluent Dispersal Infrastructure, by Geosyntec Consultants, Inc. dated November 7, 2013
- Addendum dated November 7, 2013
- Geotechnical Investigation Report dated June 30, 2014

City Geotechnical staff and the Public Works Department reviewed the EIR, project plans and associated technical submittals. On August 20, 2014, the City Geologist issued an approval in concept for conformance with City geotechnical standards and LCP requirements. Standard conditions of approval will be included to require that all recommendations of the consulting Certified Engineering Geologist, Geotechnical Engineer and all the plan check stage comments of City Geotechnical staff shall be incorporated into all final design and construction plans, including foundations, grading, sewage disposal, and drainage. Final plans shall be reviewed and approved by City Geotechnical staff prior to the issuance of a grading permit.

In these reports, site-specific conditions were evaluated and recommendations were provided to address any pertinent issues. Based on extensive review of the above-referenced information, it has been determined that:

1. The buildout project service area is not located within an Alquist-Priolo Earthquake Fault Zone. It is unlikely that the project site will be impacted by active faulting or ground rupture; however, the Civic Center area is located in an area of high seismicity, generally.
2. The Seismic Hazards Zones map identifies earthquake-induced landslide hazard zones in the steep hillside portions of the overall project service area, but none of these are located in Phase 1.

3. Much of the buildout project service area, including the treatment plant site, is in a liquefaction zone.
4. The project area contains some areas of slope instability.
5. The treatment plant site is outside of the tsunami inundation zone, but injection wells and some pipelines are within the potential tsunami inundation zone.
6. Portions of the property are located within the Federal Emergency Management Agency's (FEMA's) 100 year flood zone.
7. The project site is in the vicinity of extreme fire hazard areas.

Ground-shaking / Seismicity –The project area is in a seismically active area of Southern California and may experience severe shaking in the future from the Malibu Coast Fault and other nearby faults. While it is impossible to totally prevent structural damage to buildings and loss of life as a result of seismic events, adherence to all applicable building codes and regulations and site-specific engineering specifications can reduce such impacts to less than significant levels. If engineering studies using state-of-the-practice techniques are employed, the impacts from ground rupture can be accounted for with setbacks and foundation designs to accommodate several inches of movement. Surface rupture potential is considered low to moderate, and the impacts are considered significant but mitigable. Implementation of Mitigation Measures GEO-1 through GEO-7 will reduce the impact to geology and soils to a level less than significant.

Liquefaction - Geotechnical studies identified potentially liquefiable soils within the treatment facility site. Based on site inspections, the potential for soil liquefaction-induced lateral spreading is considered low as the potentially liquefiable soil layer is not continuous and liquefiable lenses are relatively deep, approximately 10 to 25 feet below the ground surface. Depth to groundwater at the location of the proposed percolation ponds is 30 feet or more, and percolation at this location will not elevate these water levels such that they will increase the potential for liquefaction. Also, pipelines could be subject to rupture hazards from liquefaction. Design and construction of the project will incorporate appropriate engineering practices to ensure seismic stability, as required by the California Building Code. Proper design and construction using standard techniques such as permanent dewatering, ground modification, and reinforced mat or deep-pile foundations will be employed to ensure that facilities will not be damaged by liquefaction. Geosyntec evaluated the potential for the injection wells to increase liquefaction and determined that the increases in groundwater levels as a result of injection will have a negligible effect on liquefaction potential. Liquefaction is addressed in Section 4.5.2 in Section 4.5 – Geology and Soils; see Impact GEO-3, and the project impacts will be less than significant.

Tsunami Inundation Zone – Above grade structures associated with the injection well sites, including electrical panels, transformers and generators, could potentially be impacted by tsunami inundation; however, implementation of MM HY-1 for preparation of a tsunami response plan will reduce the risk to less than significant.

Slope Instability – While the treatment plant site is naturally buttressed and thought to be stable, the project will require additional measures to confirm stability. In addition, there is the potential for localized sloughing of steep slopes and overhangs, as well as toppling of soil columns during construction, which are potentially significant impacts. Surface runoff, groundwater seepage, and earthquake shaking were also considered to be contributors to the weakening and toppling of temporary slopes and reducing soil shear strength. In general, these geologic and seismic hazards can be reduced by employing sound BMPs, such as protecting graded or disturbed areas, including slopes, in accordance with the approved erosion control plan. MM GEO-4 through GEO-6 are incorporated to minimize hazards to construction workers from unstable temporary slopes and ensure that no significant adverse impacts will occur. Recycled water irrigation on sloped lands will be applied at agronomic rates in accordance with project permit requirements, reducing the potential for slope instability resulting from over-irrigation. Slope stability impacts will be less than significant.

FEMA Flood Hazard Zone – The treatment plant site, Bluffs Park pump station and the injection well heads are outside of the 100 year floodplain. However, the Legacy Park pump station is located in the 100 year floodplain. The existing detention pond at Legacy Park is expected to provide capacity to address the potential for onsite flooding, and above-ground features will be mounted on concrete pedestals at elevations above the anticipated flood levels. Therefore, impacts will be less than significant.

Fire Hazard - The entire City of Malibu is designated as a Very High Fire Hazard Severity Zone, a zone defined by a more destructive behavior of fire and a greater probability of flames and embers threatening buildings. The site has been affected by wildfires in the past. Most recently, an October 2007 wildfire severely burned portions of the Civic Center area and the treatment plant site. On November 21, 2014, LACFD approved a preliminary fuel modification plan for the treatment plant site. LACFD will review and approve a final fuel modification plan prior to issuance of grading/building permits. LACFD also reviewed the project and approved the project in concept for conformance with the Fire Code. Construction of the proposed structures will utilize ignition-resistant materials and design features, such as the 26 foot wide access drive, to complement the provided fuel modification.

Impacts associated with hazards will be less than significant and all of the required LIP Chapter 9 findings can be made.

Public Access (LIP Chapter 12)

In accordance with LIP Section 12.6(B)(2), the project is exempt from providing public lateral, vertical, bluff top, trail or recreational access because the project will not impede existing public access ways, and is providing a four foot sidewalk along Civic Center Way as a continuation of the proposed Malibu Pacific Trail identified on the pending LCP Park Land and Trails System Map. This map also identifies unofficial/proposed trail segments along Malibu Canyon Road, Civic Center Way and portions of Cross Creek

Road. The pump station facilities at Legacy Park and Malibu Bluffs Park have been sited so as not to affect public or recreational accessways at the parks. The project site does not include any parcels along the shoreline or a blufftop. The Traffic Control Plan, included in the project and required as a condition of approval, calls for the project to make provisions for pedestrian and bicycle safety during construction, and for worker parking to avoid reducing availability of parking in project areas. The Final EIR evaluated potential impacts to recreation resources in Section 4.13 and determined no significant adverse impacts will occur and no mitigation measures were required. The project complies with LIP Chapter 12.

Onsite Wastewater Treatment Systems (LIP Chapter 18)

This section of the report discusses the project's consistency with the new standards proposed for inclusion in LIP Chapter 18 under LCPA No. 13-002.

The City Environmental Health Administrator has reviewed the design concept report prepared by RMC for the Phase 1 Project CDP and all supporting materials, including the Water Quality Support Documents of Appendix G for design of the project through buildout (i.e., all phases). The project proposes a membrane bioreactor system to treat wastewater for reuse as recycled water, or disposal by deep well injection into the lower aquifer of the Malibu Valley Groundwater Basin or percolation into the upper aquifer of Winter Canyon. The reports summarize the extensive hydrogeological modeling, testing and analyses, prepared as the design basis for the project and to demonstrate system performance. On July 9, 2014, the City Environmental Health Administrator determined the project will meet the minimum requirements of the Malibu Plumbing Code, the M.M.C. and the LCP, with the proposed amendments. The City will be required to obtain a general waste discharge requirements/wastewater recycling requirements (WDR/WRR) permit from the LARWQCB for operation of the facility, as well as performing all water quality testing and monitoring as specified in these permits. The three findings required by LIP Chapter 18, as amended, are made in Resolution No. 15-05.

LCP Amendments (LIP Chapter 19)

To approve an LCPA, LIP Chapter 19 requires the City to find that the amendment meets the requirements of, and is in conformity with, the LCP and the policies of Chapter 3 of the Coastal Act.

The proposed amendment directly implements policies and standards of the LCP, specifically, LUP Policies 7.19 and 7.20 and LIP Sections 18.10(C) and (D). The required finding can be made because the amendment incorporates development standards and requirements for the Civic Center Wastewater Treatment Facility that ensure it is designed and constructed in a manner that avoids impacts to the coastal resources discussed throughout this report, such as the surface and ocean water quality, onsite ESHA, native trees, marine and visual resources, minimizes and mitigates impacts where they are unavoidable, and ensures that the project will not be designed to serve a level of development that exceeds that which is allowed in the LCP.

M.M.C. Analysis

Zoning Code Amendments Findings (M.M.C. Chapter 17.74)

In order to approve a zoning text or zoning map amendment, the City must find that the amendments are consistent with the General Plan. As discussed throughout the Final EIR, the project, and by association, the proposed amendments are consistent with the goals, objectives and policies of the General Plan, and directly implement a number of them. Some of the most important include:

- Land Use Goal 1: The natural and environmental resources of Malibu are protected and enhanced.
- Land Use Policy 1.1.2: The City shall ensure that land uses avoid or minimize adverse impacts on water quality and natural resources, such as undisturbed watershed and riparian areas.
- Land Use Goal 4: Commercial uses and structures in harmony with the rural residential character and natural environment of the community
- Land Use Objective 4.5: Environmentally sensitive, efficient and effective treatment of commercially generated sewage and wastewater that meets all health standards.
- Conservation Goal 4: Water conserved.
- Circulation and Infrastructure Policy 2.1.2: The City shall protect the quality of surface and groundwater.
- Circulation and Infrastructure Policy 2.1.4: The City shall encourage utilization of innovate alternative methods of wastewater treatment.

For these reasons, and those cited above for the required LCPA finding, the finding of consistency with the General Plan can be made.

Conditional Use Permit Findings (M.M.C. Section 17.66.080)

Under the proposed LCPA/ZTA, the proposed public utility facility use of the Civic Center Wastewater Treatment Facility project will be a conditionally permitted use in the CV-1, CV-2 and POS zoning districts. The proposed treatment plant site is already in use by an operational wastewater treatment facility with no landscaping or architectural treatment, and a semi-industrial, utilitarian character. Once the project is completed, the treatment plant site will contain new facilities that are all covered and/or enclosed, and which incorporate landscape screening. Routine upkeep and maintenance of the site will be incorporated into facility operations.

Furthermore, the LCPA/ZTA incorporates development standards that ensure the proposed use is compatible with its surroundings and avoids significant visual impacts. These standards require the project to use methods such as locating development below ground level where possible, utilizing landscape screening to soften views of the development and allowing it to blend with the surrounding environment, and incorporating design measures like walls, fencing and building and lighting orientations that help contain operational sounds and odors, screen site development from nearby properties and public viewing areas, and avoid offsite light spill. Conditions of approval will also require site lighting to be dark-sky compliant.

Finally, the project will, when fully built out, ultimately facilitate the removal from the area of four wastewater treatment facilities that are not visually screened and odor scrubbed, and which use inferior technology. Two of these will occur in Phase 1 (including the existing onsite privately owned wastewater treatment plant at the proposed project site and the OWTS at Our Lady of Malibu Church and School), and the other two will occur with Phase 2 implementation (the County-operated treatment plant across the street that serves the condominiums and the OWTS serving Webster Elementary School).

The proposed pump station facilities will have a small footprint at Malibu Bluffs Park and Legacy Park, and will not impede or adversely impact the recreational uses of the parks. The project complies with the development standards proposed in the LCPA/ZTA calling for siting facilities underground and in disturbed areas to avoid ESHA, trails and public recreational areas, and incorporating landscape and visual screening.

A traffic control plan for the construction phase is included in the project description and will be required as a condition of approval to ensure vehicular and pedestrian access are maintained safely and in coordination with surrounding schools and residences and that emergency responders are not impeded. Project operations are expected to require on average six truck trips a week and will not adversely impact traffic conditions.

All required findings to grant the conditional use permit can be made.

Environmental Review

Environmental Review Board (ERB)

The treatment plant property contains environmentally sensitive habitat area (ESHA), specifically, wetland ESHA and jurisdictional drainage areas. It also contains protected native trees that will be impacted by the project. Additional ESHA and sensitive resources are found in other parts of the Prohibition Area that will be affected by the project, such as Malibu Creek, beyond the scope of Phase 1. Therefore, the project required review by the ERB. The ERB reviewed the project and Draft EIR on July 23, 2014, and provided the following recommendations, shown in *italics*, followed by staff comments. No additional conditions of approval for the project are required.

1. For the Phase 3 pipelines north of the treatment plant site proposed to be served by a pump station pumping flows up to Malibu Canyon Road, Member Holt recommended the City consider reconfiguring this part of the system to work by gravity flow instead of pumping.

Detailed design for Phase 3 has not yet occurred but gravity flow could be considered at the time of design.

2. Member Tobias recommended incorporating design elements into above-ground electrical panels and other equipment to improve the aesthetics for the surrounding area. Member Tobias also recommended that the City look more closely at the feasibility and environmental impacts of Alternative D (pumping effluent to the Hyperion Plant for treatment and disposal).

Landscape screening and colors and materials that blend with the surrounding environment will be incorporated into all above-ground facilities to minimize aesthetic impacts. Additional discussion was added to the Final EIR in Section 5.3.4 as well as in Appendix K (Responses to Draft EIR Comments, Responses to Comment 29 in Letter C-1 and Comment 4 in Letter C-10) to further clarify feasibility and environmental issues associated with this alternative. The additional information addressed the speculative nature of assumptions made by some commenters that existing pipelines in PCH could be used and that ocean water quality impacts from sending the project's wastewater to Hyperion's ocean outfall would be similar to Hyperion's current impacts and result in no to minor degradation due to the very small quantity of discharge relative to Hyperion's existing discharge.

3. *For the treatment plant site, Member Shafer recommended removing the stand of eucalyptus trees on the north facing bluff along Pacific Coast Highway and replacing them with stands of oak trees two or three trees deep as a wildfire abatement measure to provide shelter for the facility. If immediate removal and replacement is not possible, a phased replacement plan could be incorporated into the project so that the entire canopy is not removed all at one time.*

This measure is outside of the scope of the project at this time; however, it could be considered for implementation with future phases of the project.

4. Member Salazar recommended changing the mitigation measure to ensure that a qualified Native American Monitor is present for monitoring all ground disturbing activities, whether they occur within a previously disturbed area or not, rather than just being present for work that could occur in burial areas.

A Native American monitor is specified for mitigation monitoring activities. Additional monitoring areas along Malibu Road have been included in MM AR-1.

Final EIR Approval

In accordance with CEQA and the CEQA Guidelines, the Governor's Office of Planning and Research distributed the Notice of Preparation (NOP) to responsible agencies for comments for a 30-day public review period, November 25, 2013 through December 24, 2013. A Draft EIR was prepared for the proposed project to assess potential environmental impacts. On May 30, 2014, the City and the Governor's Office of Planning and Research distributed the Draft EIR to interested parties and responsible agencies for a 60-day public review period, from May 30, 2014 through July 28, 2014 (State Clearinghouse #2013111075). On June 12, 2014, a Recirculated Draft EIR was released for a 47-day public review period ending on July 28, 2014. The recirculated portions of the EIR corrected errors and/or omissions in the original Draft EIR pertaining to the number and location of pump stations expected to be needed at Project buildout and facilities shown in Project visual simulations, and to add information to the Geology and Soils and References sections of the document.

From August 2014 through November 2014, the EIR consultant worked on responding to comments received during the public review period, including those received by the Planning Commission during its meeting on July 21, 2014, and prepared the Final EIR. The Final EIR was distributed on November 20, 2014. The Final EIR took into consideration comment letters received during the 60-day review period for the Draft EIR.

The EIR provides information regarding potential adverse environmental impacts of the project, mitigation measures, and alternatives. The project, as proposed, does not have the potential to significantly degrade the quality of the environment, nor does it have impacts which are individually limited but cumulatively considerable because the nature of the development will remain consistent with the General Plan. The significant unavoidable environmental impacts associated with this project will be short-term in nature, associated with construction stage noise and periodic maintenance testing. The project use is consistent with the property's zoning designation as described in the code amendments for the CCWTF Institutional Overlay zone, as well as all applicable codes and standards, and therefore, will not have adverse environmental effects or cause significant adverse impacts on human beings either directly or indirectly. Staff believes the Final EIR for the Civic Center Wastewater Treatment Facility project and associated entitlements is complete and adequate for the consideration of the proposed project.

The Planning Commission recommended that the City Council make the following required findings to certify the Final EIR:

1. The Final EIR has been completed in compliance with CEQA.
2. The Final EIR was presented to the City Council, and the Council has reviewed and considered the information in the Final EIR prior to making its decision on the project.
3. The Final EIR reflects the City's independent judgment and analysis.

Staff recommends that the City Council certify the EIR, adopt the Findings of Fact in support of findings, adopt the Statement of Overriding Considerations and approve the MMRP, as discussed in Resolution No. 15-05.

<u>CORRESPONDENCE:</u> The comments regarding the NOP are included in Appendix A, and comments on the Draft EIR and Response to Comments are included in Appendix K of the Final EIR. Correspondence pertaining to the project received after the close of comment periods and not the EIR are included as Attachment 9.

<u>PUBLIC NOTICE:</u> Staff published the required Public Hearing Notice in a newspaper of general circulation on December 18, 2014, and mailed the notice to all interested parties, as well as property owners and occupants within the entire Prohibition Area, plus a 1,000 foot radius (Attachment 10).

Additionally, per CEQA Section 15089, on December 2, 2014, the City provided an opportunity to the public and commenting agencies to review the Final EIR at least 10 days prior to consideration of certification by the City Council.

<u>SUMMARY:</u> The required findings can be made that the project complies with the LCP and M.M.C. Further, the Planning Department's findings of fact are supported by substantial evidence in the record.

<u>ATTACHMENTS</u>:
1. Ordinance No. 386 and Exhibit A (CCWTF Institutional Overlay Map)
2. Resolution No. 15-05 and Exhibit A (MMRP)
3. Summary of Legislative Changes (underline/strikethrough)
4. Errata No. 1 to the Final EIR
5. Aerial Project Buildout Map (Phases 1, 2 and 3)
6. Treatment Plant Existing Conditions, Site Plan with Notes, Pump Station and Injection Wells Graphics
7. Project Plans
8. Department Review Sheets
9. Correspondence
10. Public Hearing Notice / Mailer

    Final EIR available at City Hall and on the City website:
    <u>http://www.malibucity.org/index.aspx?NID=608</u>

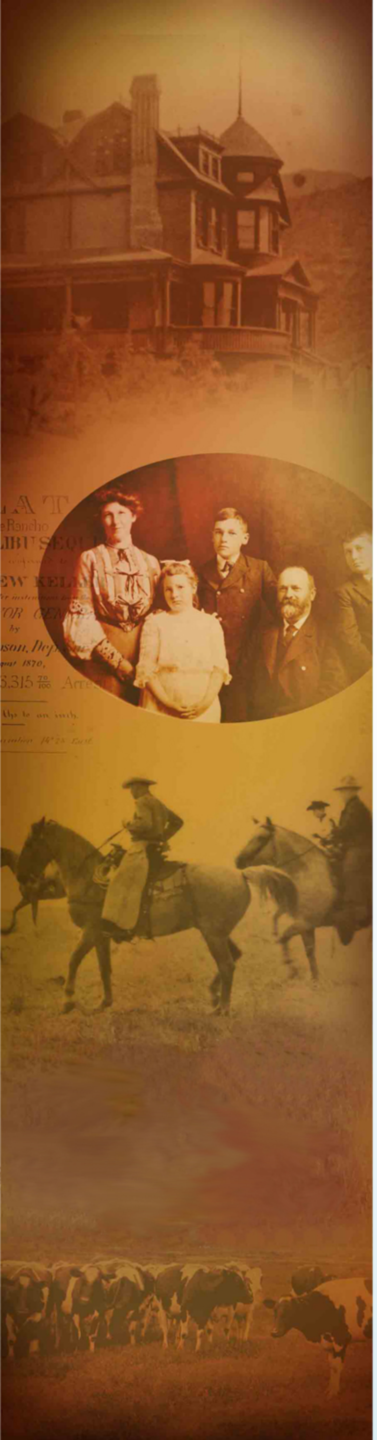
City Council Public Hearing on FEIR/CDP/LCPA/ZTA

Civic Center Wastewater Treatment Facility Project

CITY OF MALIBU
Incorporated March 28, 1991

RMC

12 January 2015



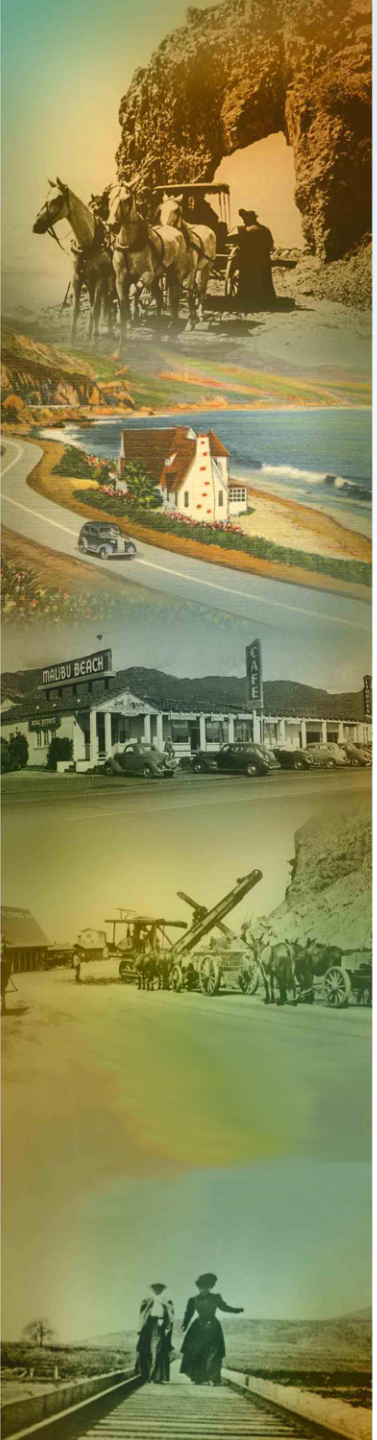
Agenda

- Need for project
- Goals of project
- Description of project
- Comments on EIR
  - Why not somewhere else?
  - Provisions to protect public health
  - Provisions to minimize impact to amenity

Project is Needed to Meet RWQCB Requirements

- 2009 – LA RWQCB adoption of Resolution R4-2009-007 prohibiting OWDS and OWDS discharges in Malibu Civic Center Area
- 2010 – SWRCB Resolution 2010-0045 approved amendment to Basin Plan and established phased schedule for compliance
- 2011 – City of Malibu and LA RWQCB sign MOU defining Prohibition Zone, phasing areas and setting dates for compliance
- 2014 – MOU updated to reflect current project schedule

Outreach Conducted Throughout Project

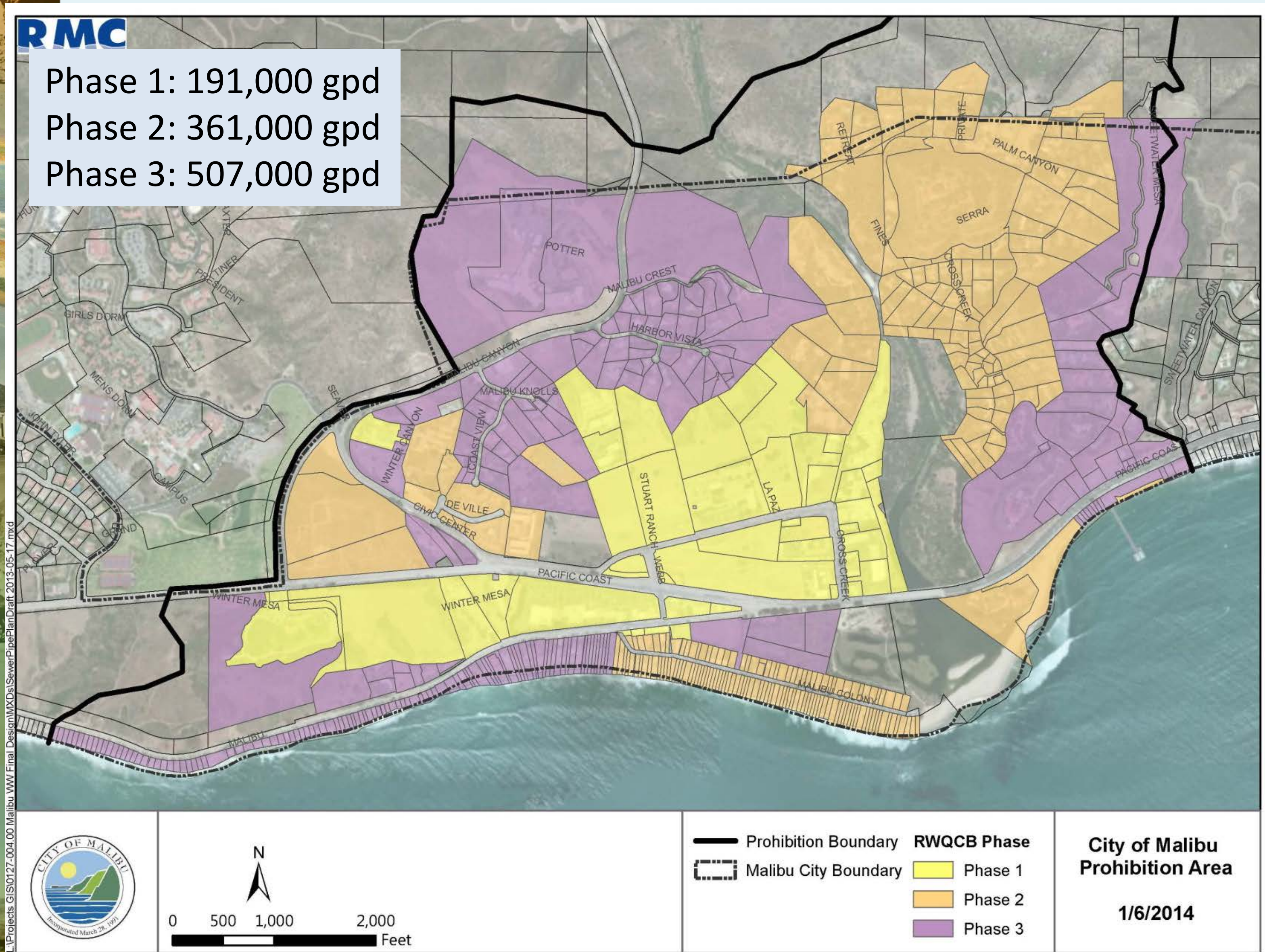


- Technical Advisory Committee (TAC)
  - 5 meetings held
  - Provide expert input regarding project goals and methods to achieve goals
  - Provide feedback on proposed plant design
- Stakeholder Meetings (60+)
- Regulatory Meetings (monthly/2 yrs)
- Planning Commission Meetings/Workshop (3)

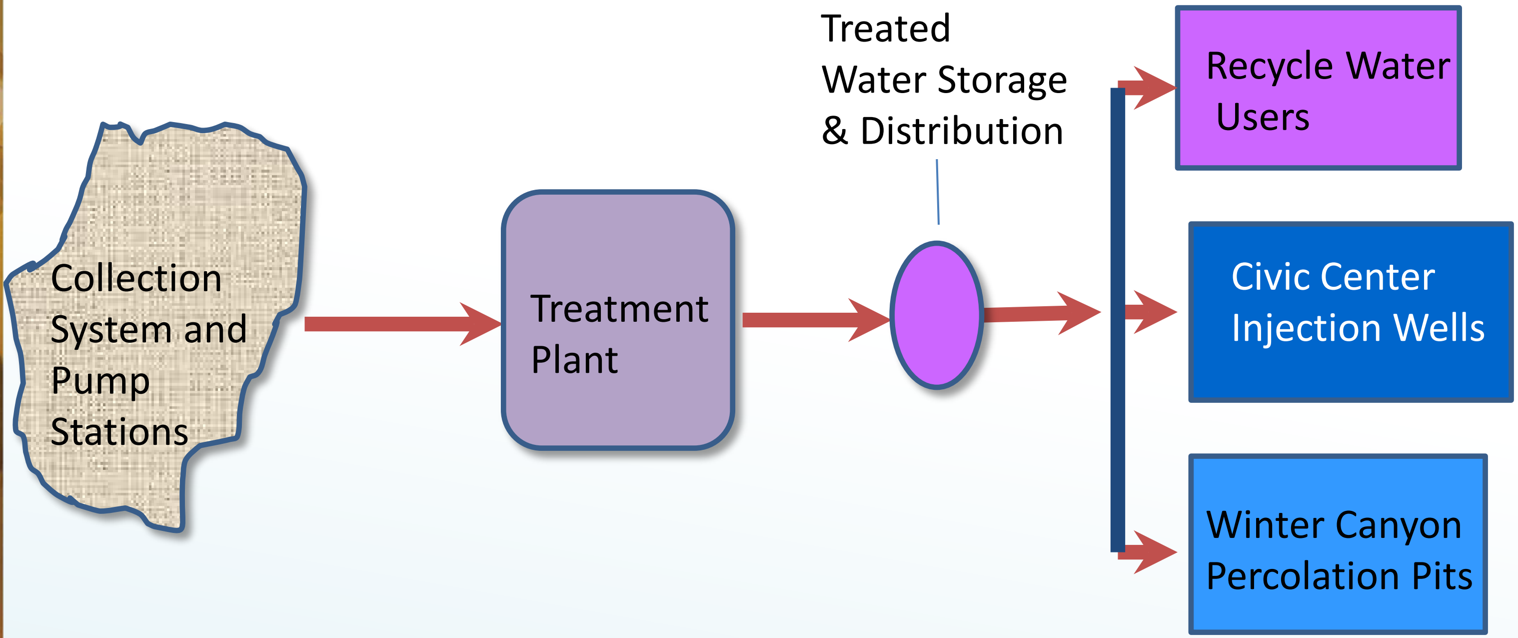
What are Goals of Project?

- Meet the environmental requirements of RWQCB Prohibition
  - Protect water quality in Lagoon and beaches
  - Protect groundwater quality in Malibu Valley Groundwater Basin
  - Protect public health
  - Meet deadlines of RWQCB
- Provide a solution that is acceptable to community
  - Protect public health
  - Minimize impact to community amenity
  - Affordable (albeit expensive)

Project will be Phased



General Project Components



Reuse Potential Assessed for Every Parcel

Customer No.	RW Tier	Development Name
1	A	Malibu City Hall
2	A	County Offices
3	A	Malibu Country Mart
4	A	Malibu Country Mart
5	A	Professional Arts Building
6	A	J&P Limited
7	A	Drug Store
8	A	Malibu Legacy Park
9	A	Miramar Properties
10	A	GTE Bldg
11	A	Stone/Masonry Yard
12	A	Masonry Yard
13	A	SoCal Edison
14	A	Malibu Creek Plaza
15	A	Shell Station
16	A	Malibu Lumber Yard
17	A	Prudential Realty
18	A	Malibu Colony Plaza
19	A	Post Office
20	A	Former Gas Station
21	A	PCH Landscaping
22	A	Cross Creek Road Landscape
23	B	La Paz Ranch - Parcel A
24	B	La Paz Ranch - Parcel B
25	B	Proposed Whole Foods
26	B	Vacant - Upper Yamaguchi
27	B	Vacant - Ioki
28	B	Webster Elementary School
29	B	Serra Retreat
30	B	Sycamore Farms Polo Fields
31	B	Serra Area Homes
32	B	Malibu Canyon Village HOA
33	B	Vista Pacifica HOA
34	B	Maison DeVille HOA
35	B	Toscana
36	C	Our Lady of Malibu Church/ School
37	C	Perenchio Golf Course
38	C	Allied Nursery
39	C	Malibu Bluffs Park
40	C	Overlook
41	C	Hughes Research Lab
42	C	Serra Area Homes
43	C	Vacant - Lower Yamaguchi
44	C	Vacant - Island

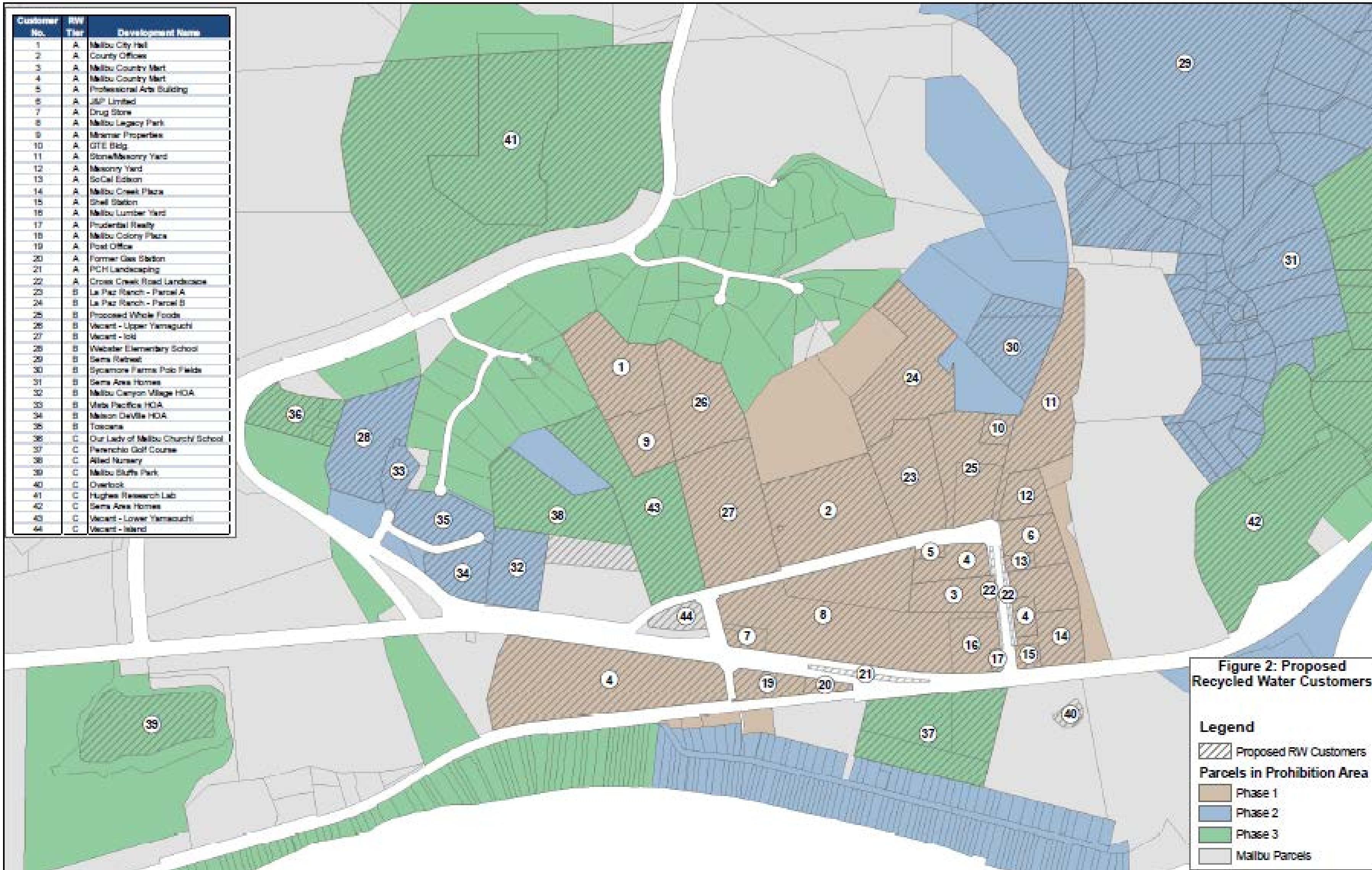
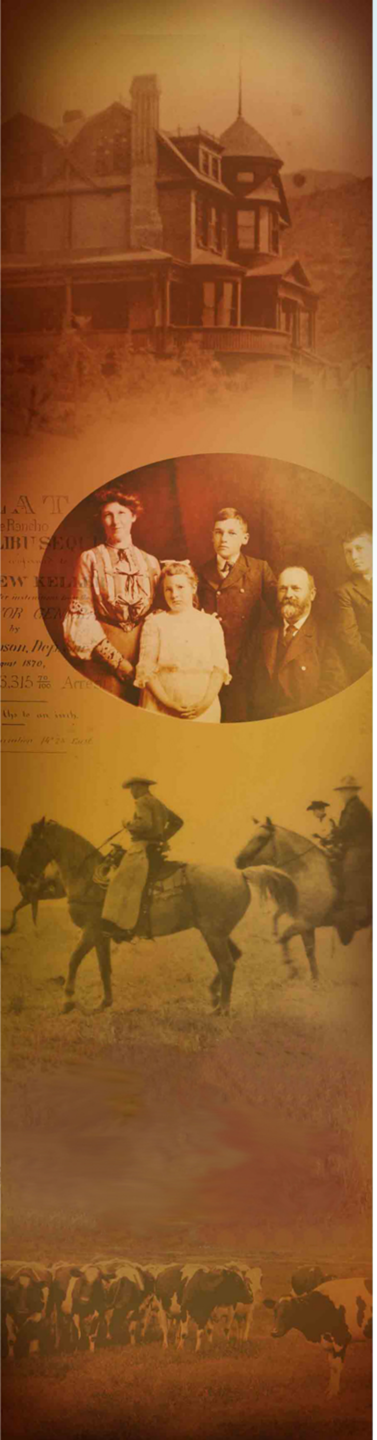


Figure 2: Proposed Recycled Water Customers

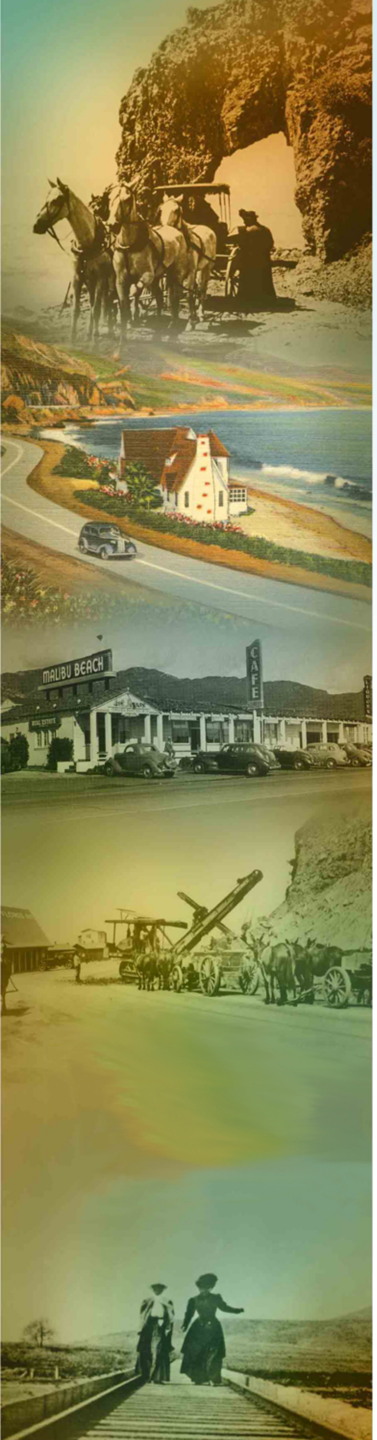
Project through Phase 3



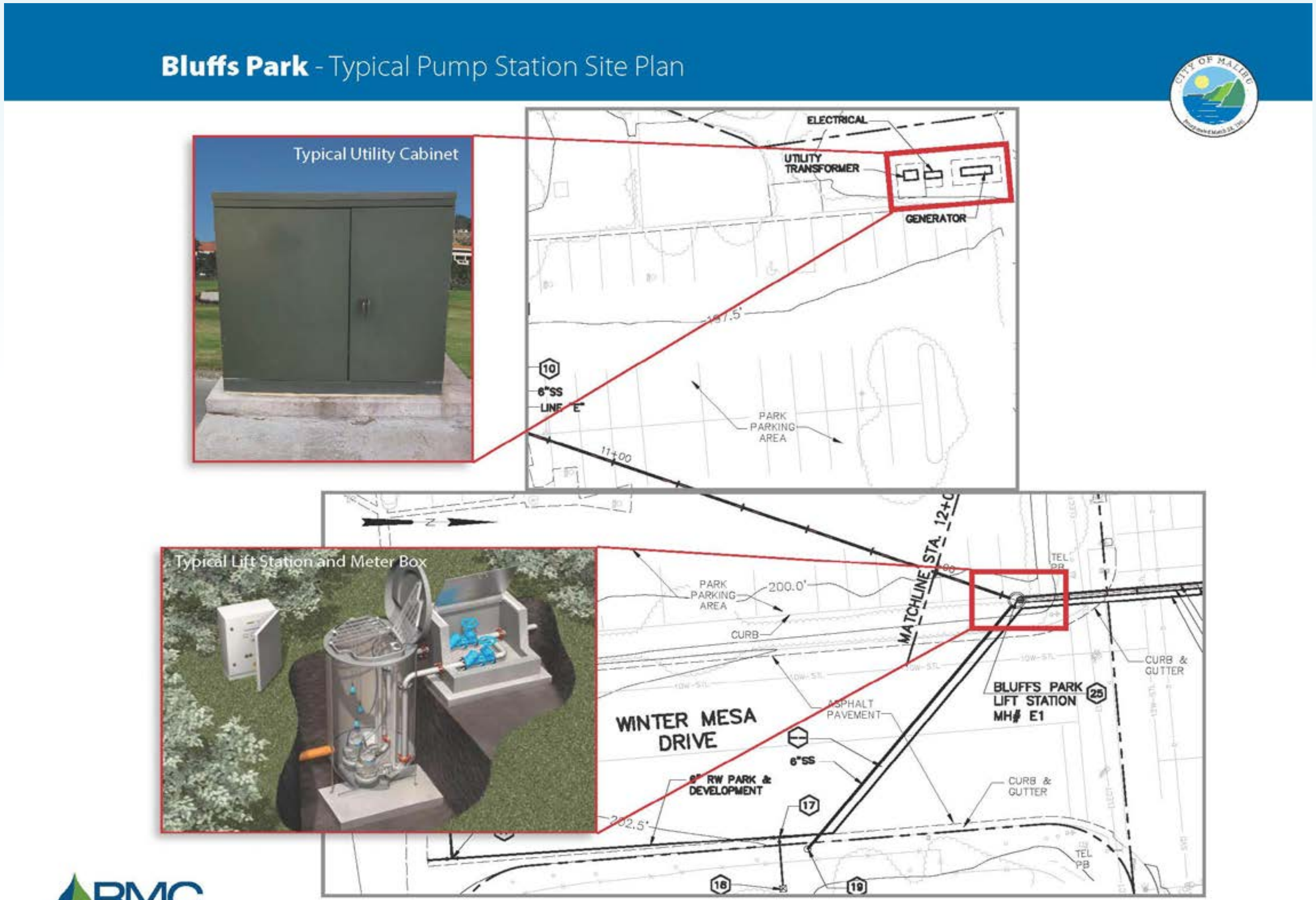
Collection System Pump Station – Legacy Park

Collection System Pump Station – Legacy Park

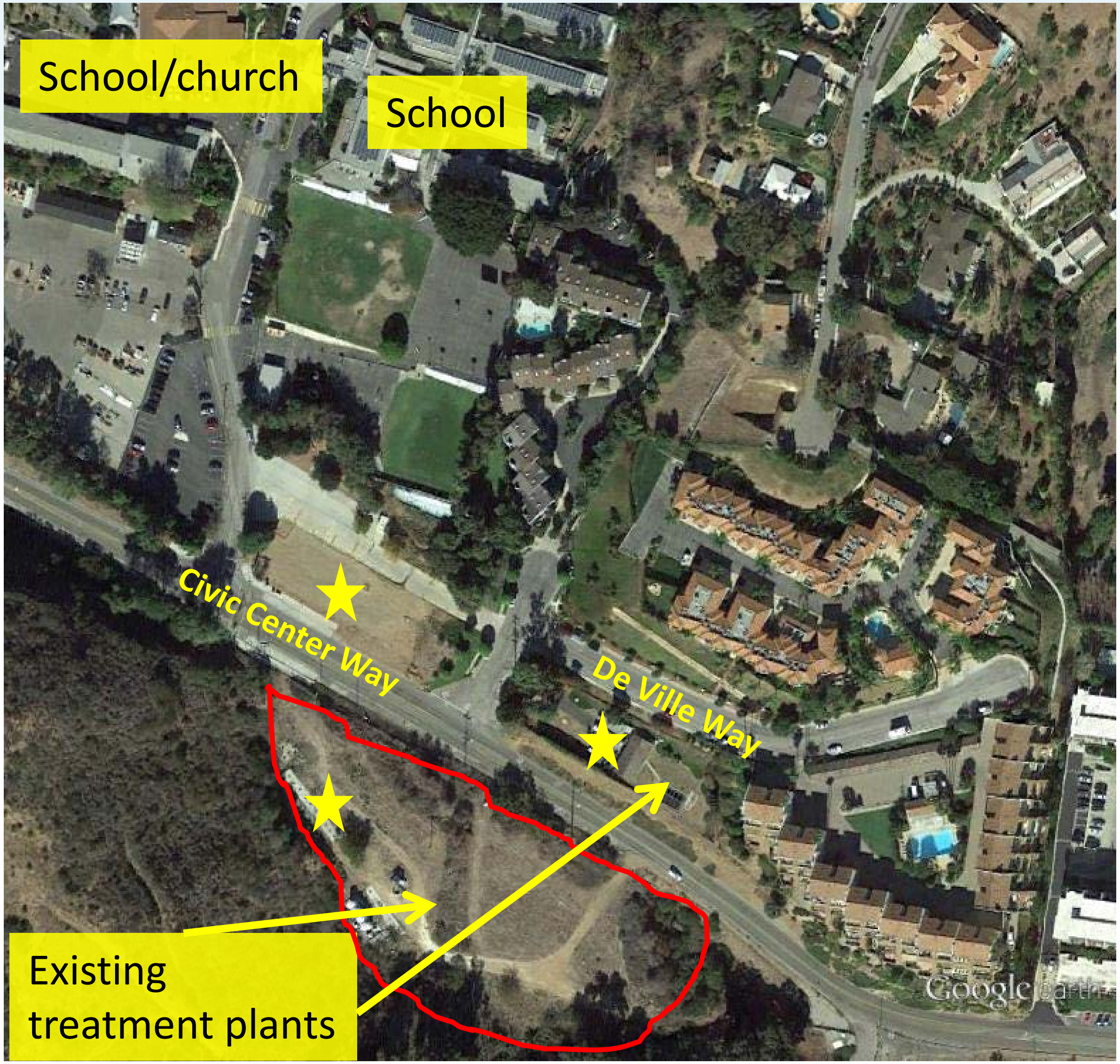
Collection System Pump Station – Bluffs Park



Collection System Pump Station – Bluffs Park



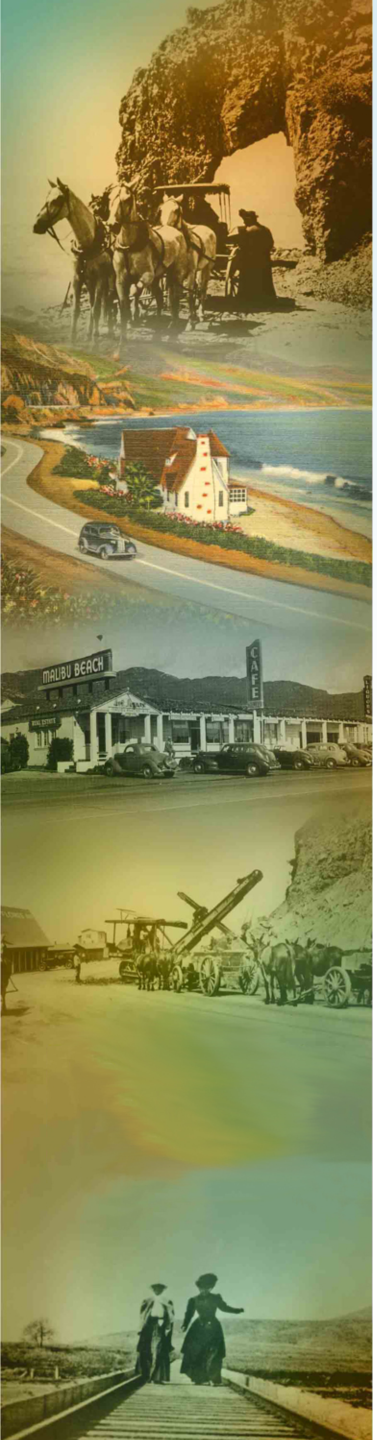
Treatment Plant Site Existing Conditions

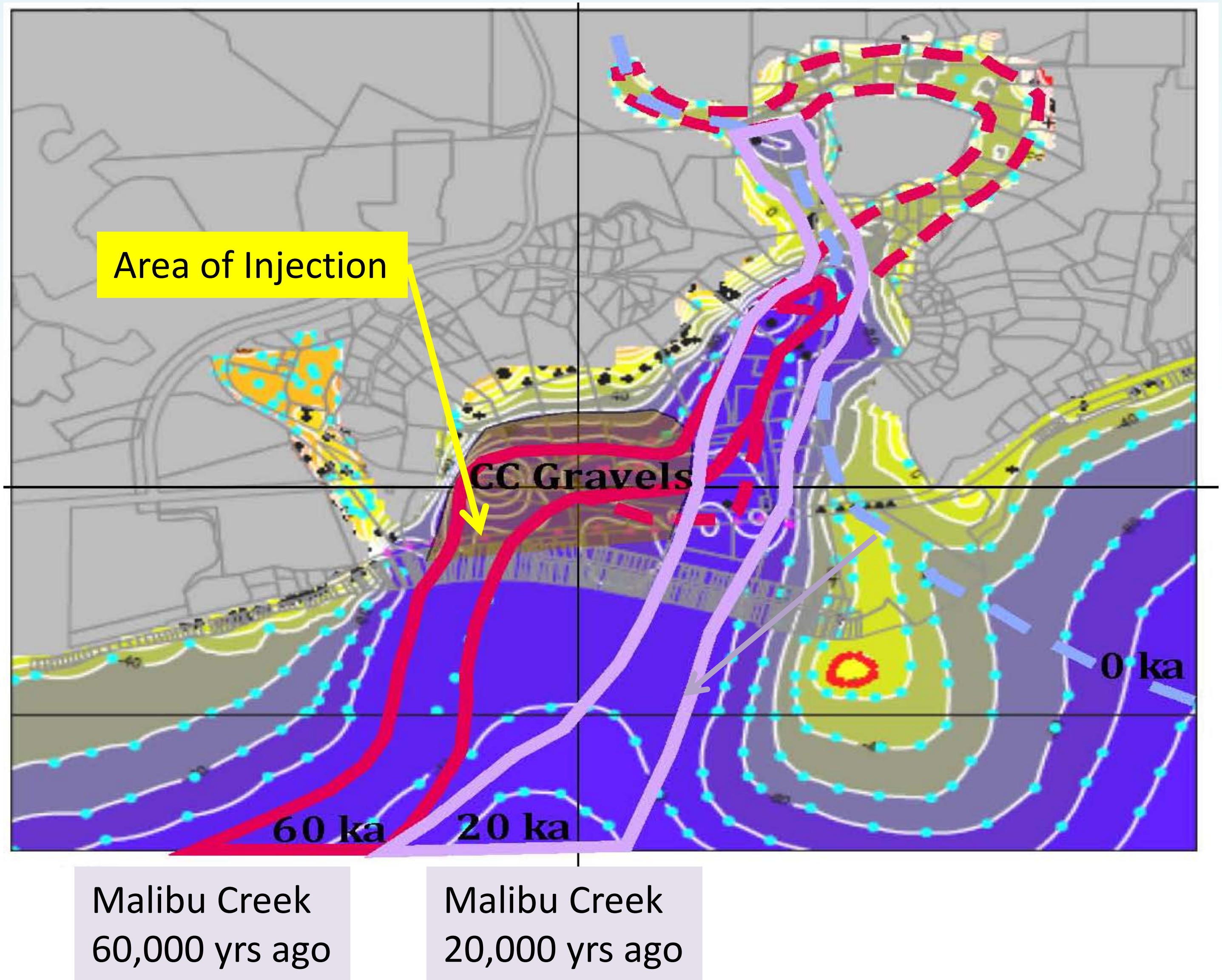


Existing Site Conditions

Site Layout at Build-Out

Water Injection will be in Buried Stream Bed

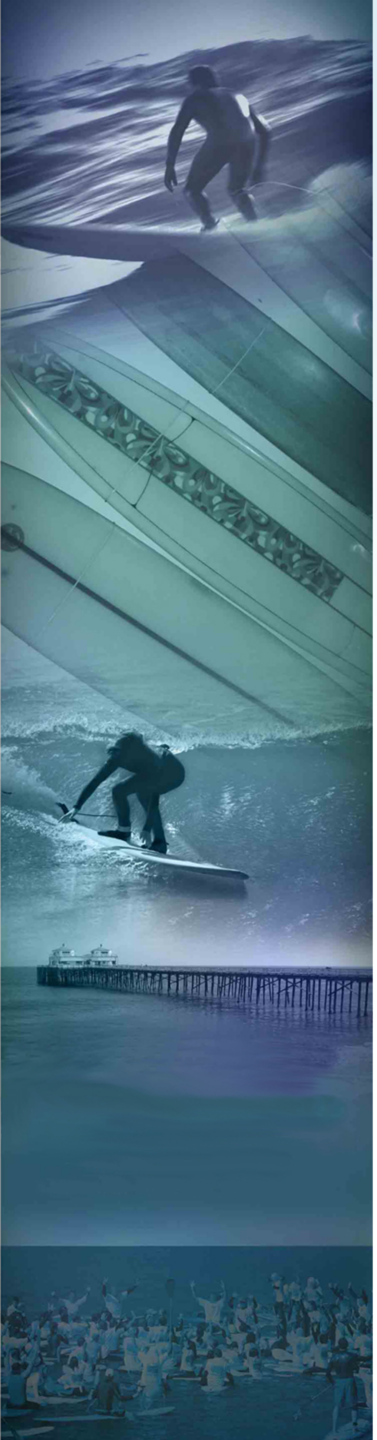




Preliminary Injection Well Design – Malibu Rd

Existing Site Conditions

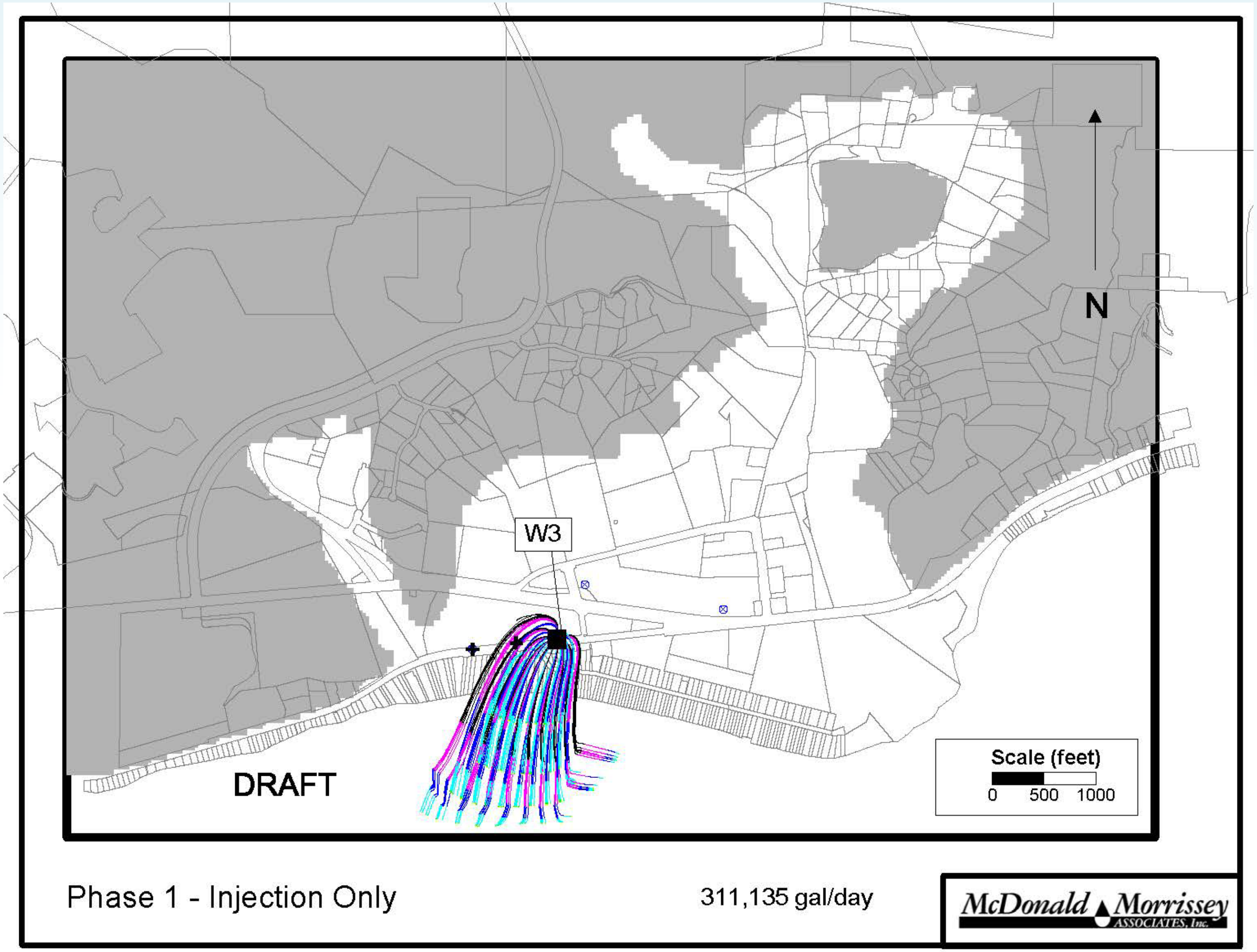
Example Well Enclosure

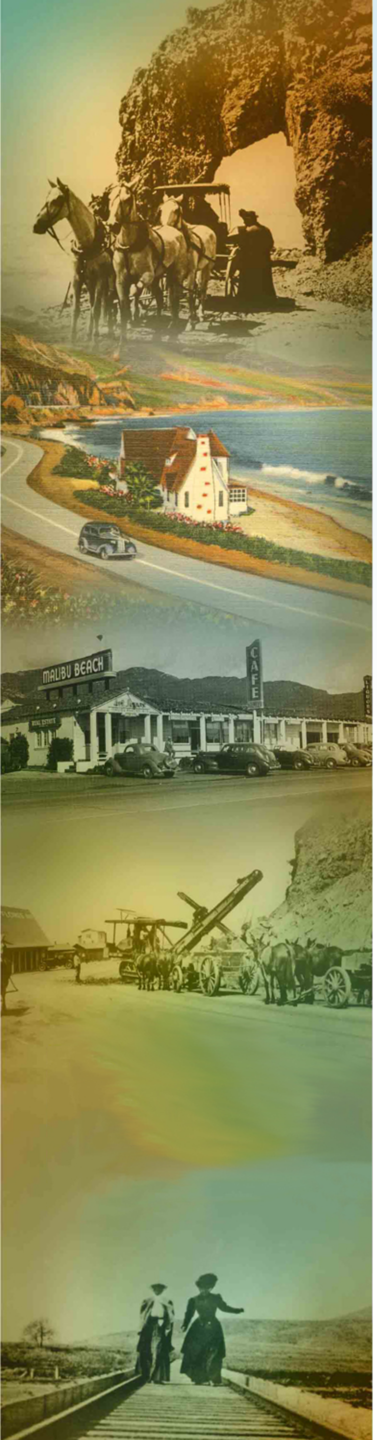


Groundwater Model was Used to Predict Injection Capacity

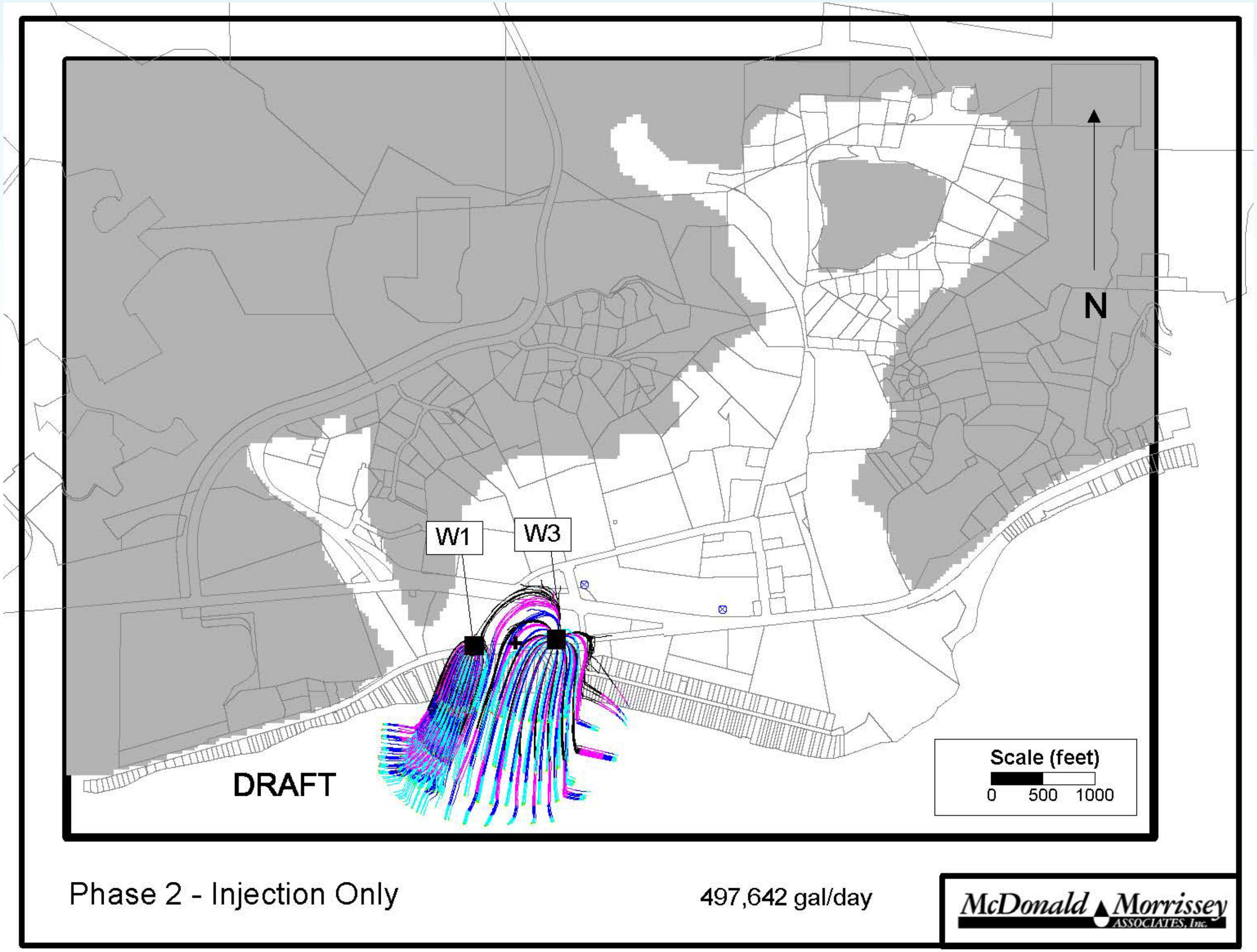
- Calibrated to measured data
- Predicts:
  - Impacts on groundwater elevations
  - Direction and speed of groundwater flow
  - Maximum injection rates
  - Effects of proposed percolation in Winter Canyon

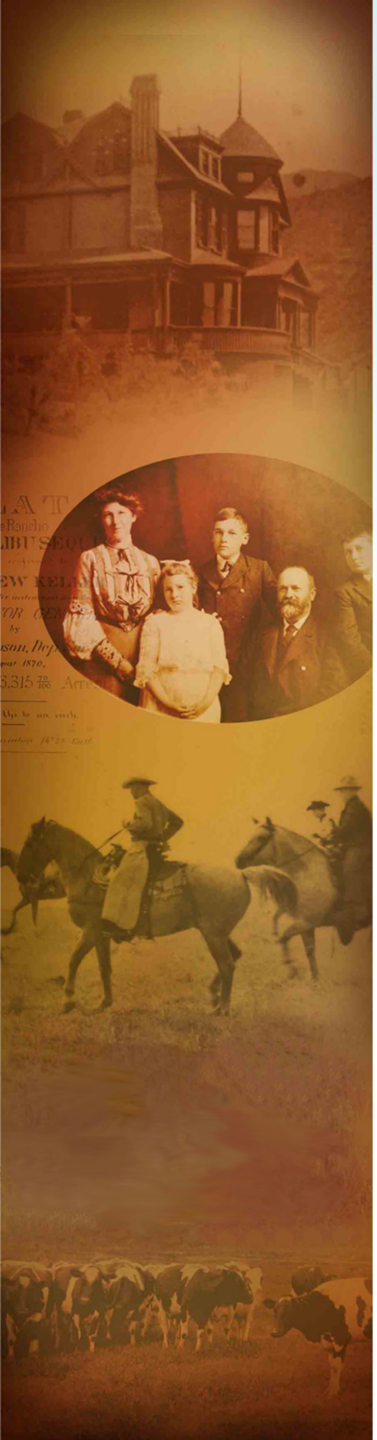
Phase 1 – No Flow to Lagoon





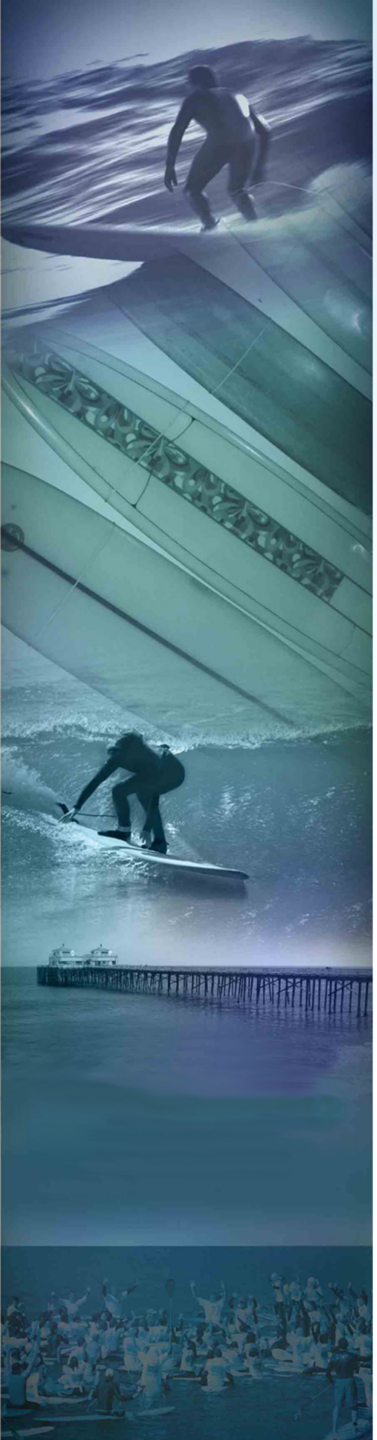
Phase 2 – No Flow to Lagoon





Winter Canyon Percolation Modeling Results

- Can percolate 50,000 gpd in Phase 1
- Can percolate 100,000 gpd in Phase 2
- Provides backup to injection capacity

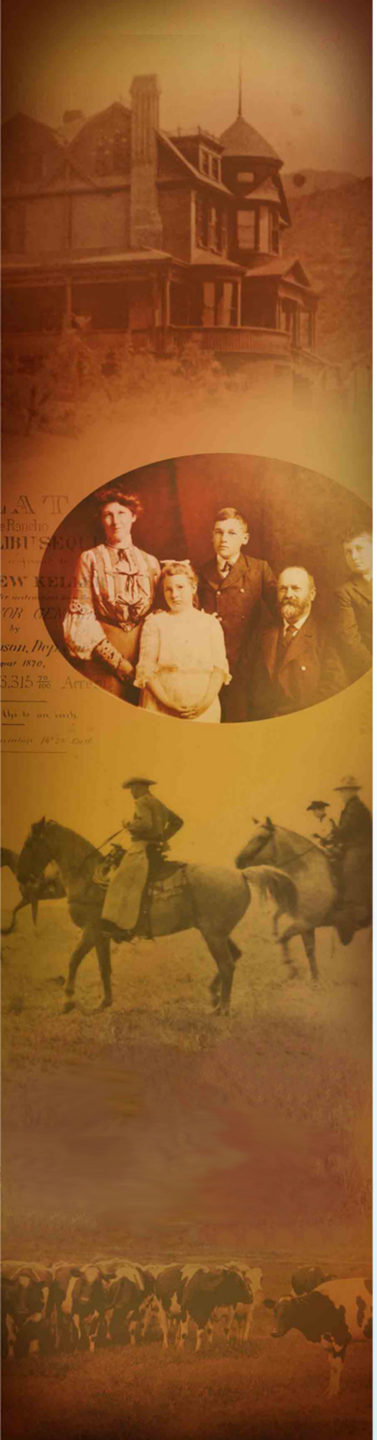


Groundwater Model Indicates Lagoon will be Protected

- Groundwater Basin has sufficient injection capacity for all project phases
- Injection capacity has large safety factor
- Groundwater levels are presently close to land surface elevations in several locations
- Project will not adversely impact groundwater levels
  - Lowered in most areas
  - Raised 2 to 3 inches in selected areas

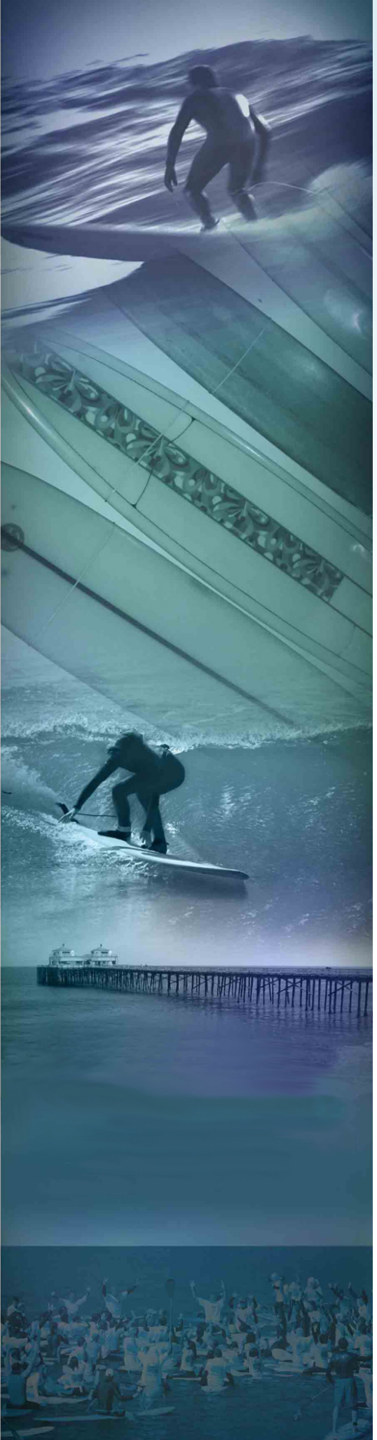
EIR Comment Overview

- Comments received from
  - 12 Public or government agencies
  - 6 Non-government organizations
  - 13 Individuals
- Written and oral comments addressed
  - Oral comments received at 21 July 2014 Public Hearing on Draft EIR
  - Written comments received by 28 July 2014
- Final EIR released 20 November 2014



Key Issues from EIR Comments

- Impact on lagoon hydraulics and tidewater gobi
- Geotechnical impacts
- Why this site for treatment?
- Storage of chemicals at treatment plant
- Soil contamination and potential VOC release during construction
- Aesthetic impacts
- Proximity of treatment plant to schools

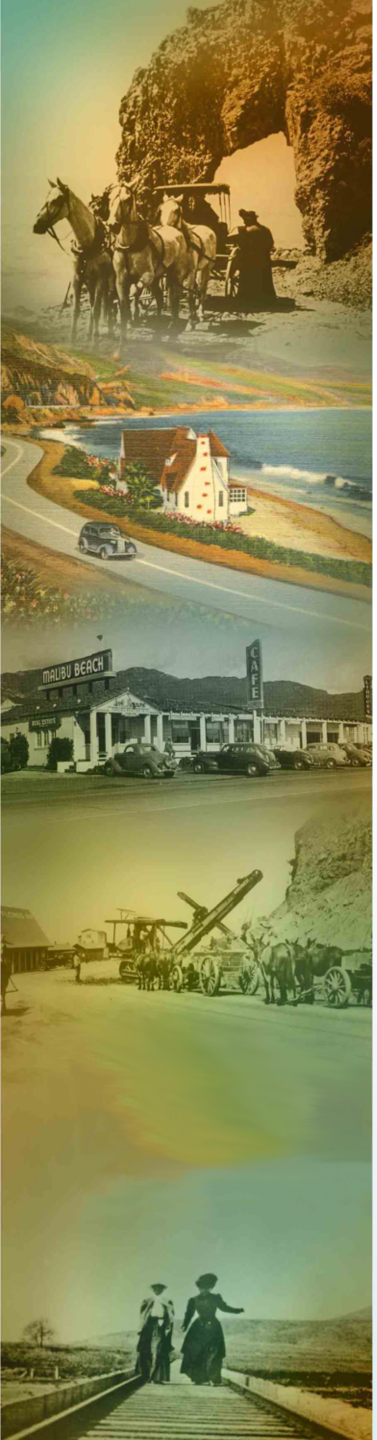


Impact on Lagoon Hydraulics and Tidewater Gobi

- No expected impact on Lagoon flow characteristics
  - Change in flowrate less than 0.7%
  - Flowrate change is steady
    - Won’t be in pulses
    - Won’t change berm breaching frequency
- Tidewater gobi will not be impacted
  - Salinity change less than 0.5%

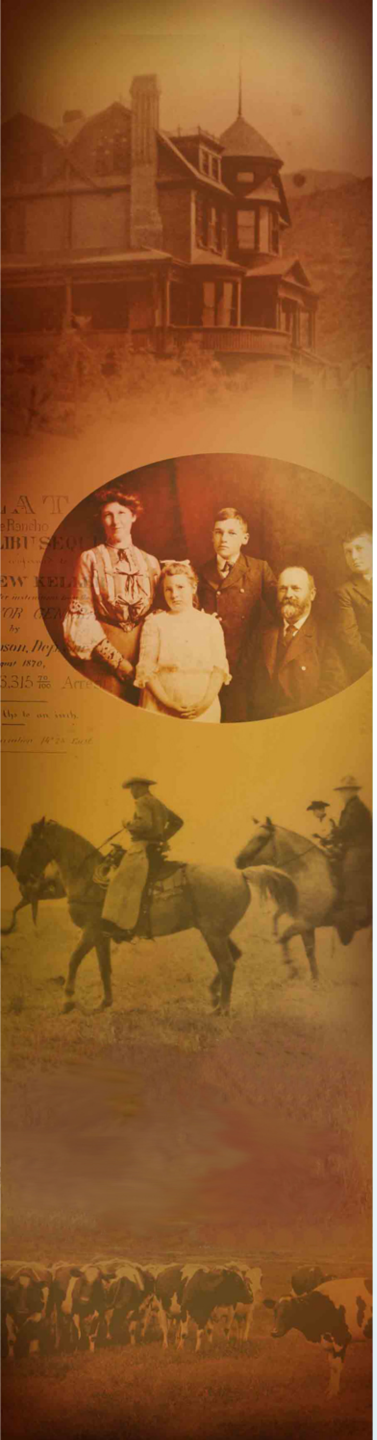
Geotechnical Impacts are Insignificant

- No active faults in project area
  - None identified in Alquist-Priolo mapping
- Very low injection pressure (<5 psi)
  - Injection occurring in ancient streambed, above bedrock layer
- Mounding of injected water in upper soil zone = 2 or 3 inches
  - Insignificant geotechnical implications



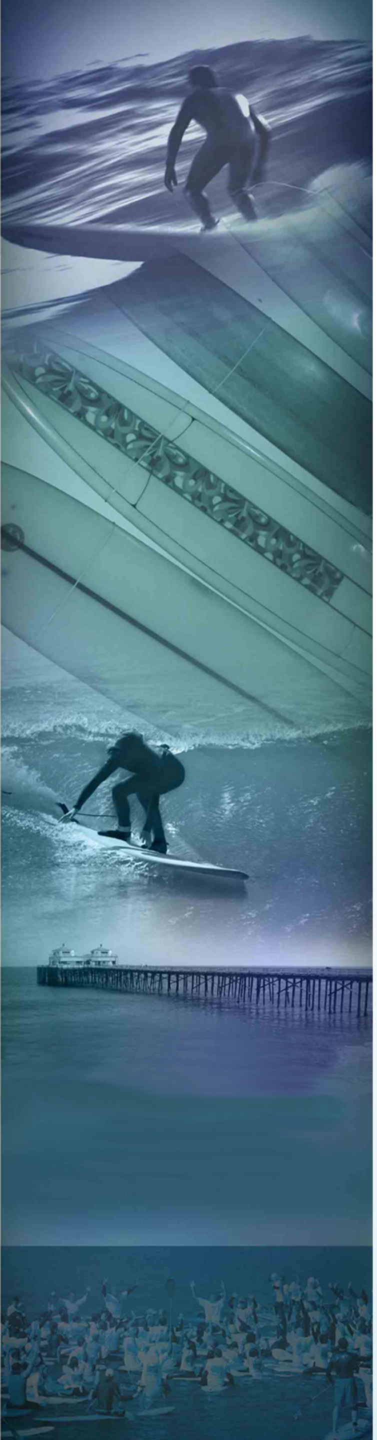
Why This Site?

- Sufficient land area to site treatment facilities
- Located in separate groundwater basin
  - Not connected to Malibu Lagoon
  - Allows use of percolation ponds as backup for water disposal
- Willing seller
- Outside the floodplain
- Other sites were considered (Wave, LaPaz, Legacy Park)
  - Unwilling sellers
  - Too small
  - Unable to use percolation ponds as backup
  - Significantly higher cost that would jeopardize ability to finance project



What has been done to Protect Public Safety?

- MBR process chosen because it’s a biological, non toxic process
  - Minimizes use of chemicals
  - Maximizes reduction of VOCs
  - Small foot print allows full control of air emissions:
    - Full enclosure of all processes
    - Full odor and VOC scrubbing of all processes
- Ultraviolet disinfection avoids large use of chlorine
- Methane producing processes not used
- Plant designed to provide operational redundancy
- Pipes are flexible and sealed
- Site grading designed to capture and retain flows onsite



Treatment Additives Chosen for Safe, Stable Characteristics

- All additives are:
  - Non explosive, non flammable
  - Non volatile – won't create a gas cloud
  - Non toxic (except for bleach)
    - Non toxicity needed for treatment process
- Neighborhood gasoline station more dangerous
  - Flammable, explosive, volatile, toxic products

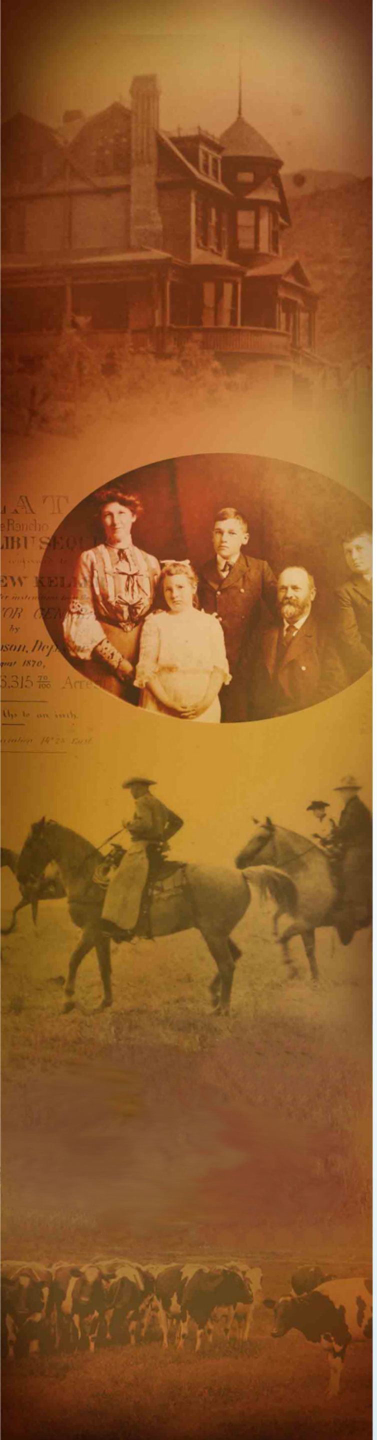
Sodium Hypochlorite

Current Hypochlorite Storage

- Also called ‘bleach’
    - 12.5% strength vs. 5 to 10% for Clorox Bleach
- Storage volume will be less than current volume at site

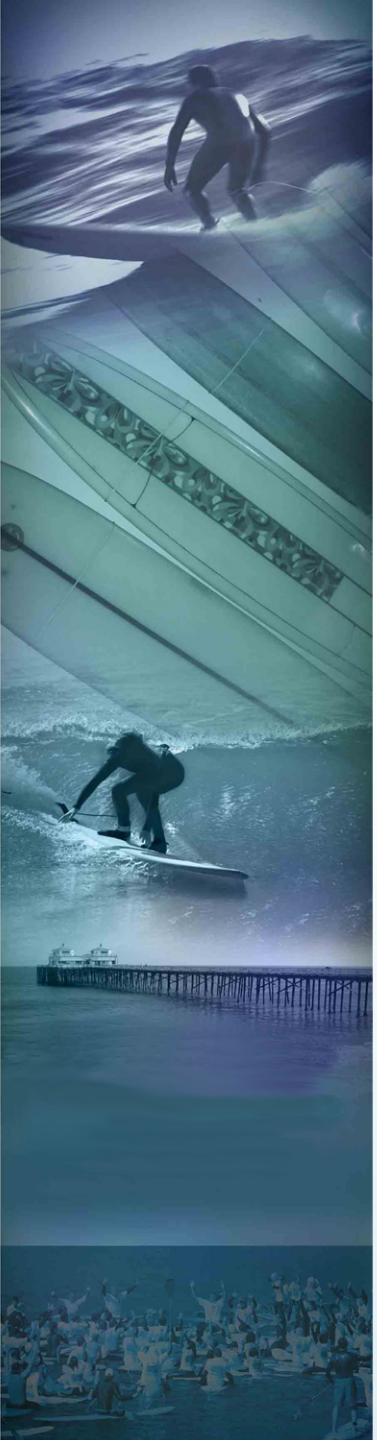
Sodium Hypochlorite Storage

- Transported to site in 250 gallon sealed containers
- Stored on site in locked, covered enclosure



Citric Acid Used Once/6 mos

- Used as food additive
- Same pH as orange or lemon juice
- Used to clean treatment membranes
- 85 gallons ordered for each cleaning
- Empty at other times
- Separated from bleach storage

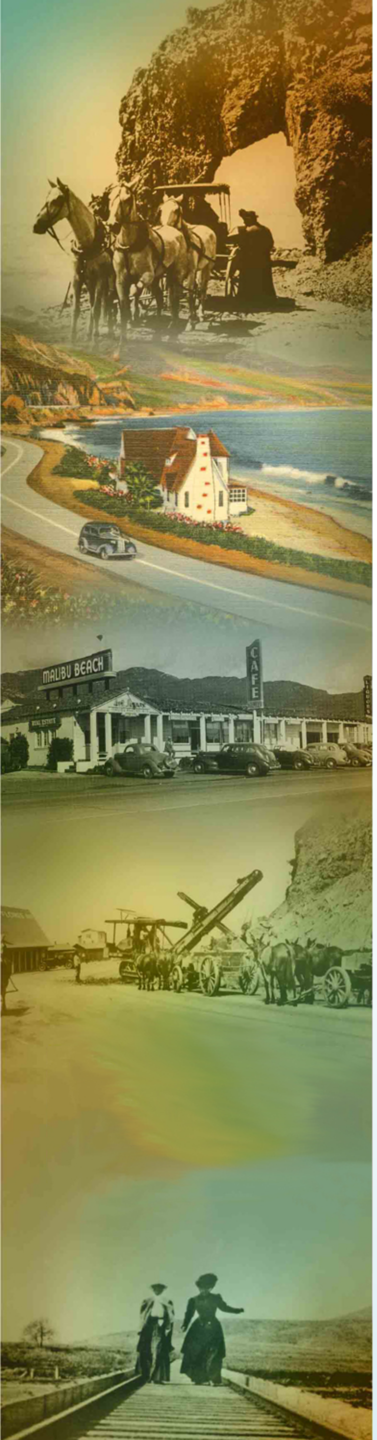


Micro C

- Glycol based
  - Used as additive for skin care products
- Non toxic, non explosive
  - Safer than methanol alternative
  - Cheaper than food grade sugar
- Used as additional carbon source for treatment process

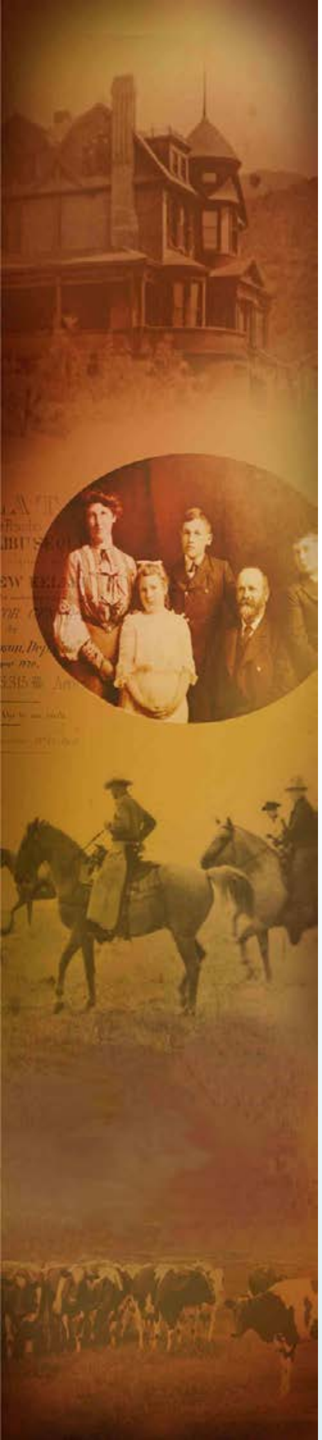
Magnesium Hydroxide

- Same as antacid for ‘sour stomach’
  - Mylanta, Maalox
- Non toxic, non explosive
- Used for pH control of treatment process
- Stored separate from citric acid



Air Quality Impacts Were Found to be Less than Significant

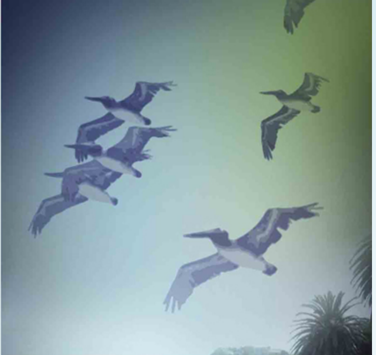
- Construction impacts would not exceed SCAQMD guidelines for LST (Localized Significance Threshold)
  - No VOC’s detected downgradient from site
  - Local drycleaner prohibited from using PCE starting 2004
- City will sample site for VOCs prior to construction
  - Address concerns about ‘heritage’ VOCs
  - Remediate site, prior to construction, if needed



Project Includes Measures to Protect Neighborhood Quality

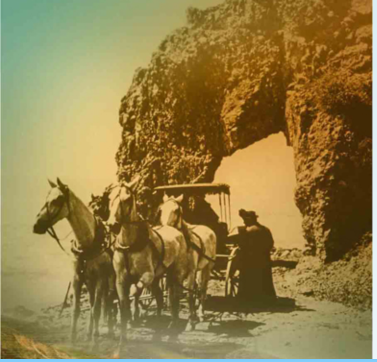
- Site will be fully landscaped
- Will remove two existing antiquated plants
- Will be less visible than two existing plants
- Architectural treatment to all buildings
- Full odor scrubbing will be provided
- All equipment within buildings
  - Noisy equipment within sound deadening enclosures, and inside buildings

Visual Aesthetics – today

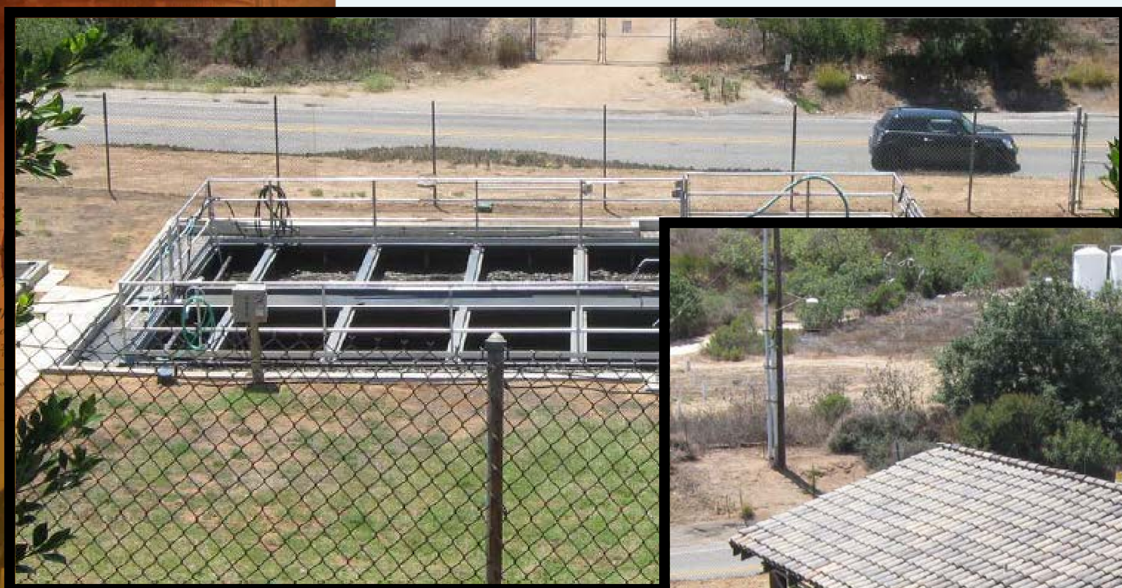


Visual Aesthetics – 5 yrs

Visual Aesthetics – 20 yrs

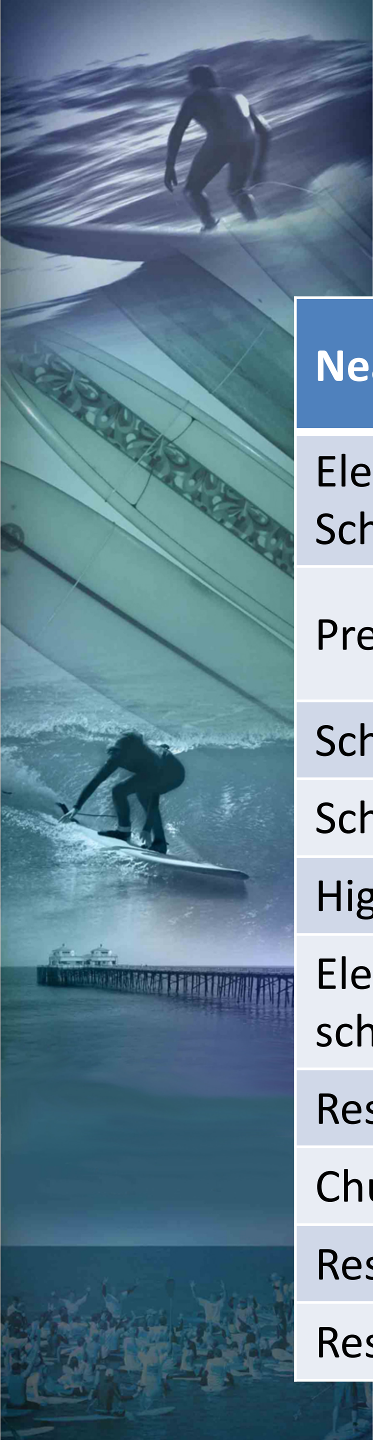


Phase 2 would Allow Removal of these Facilities



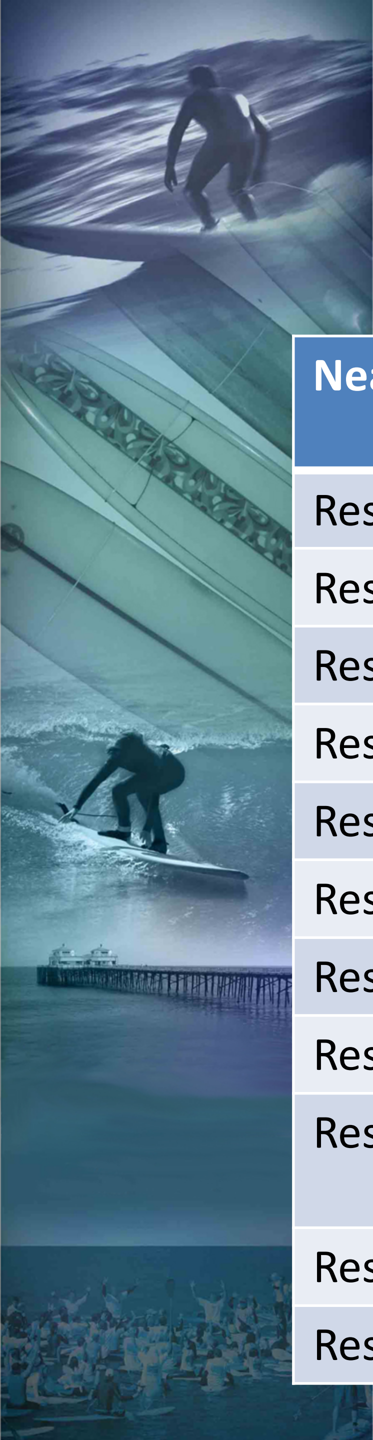
Open treatment tanks

Open treatment facilities



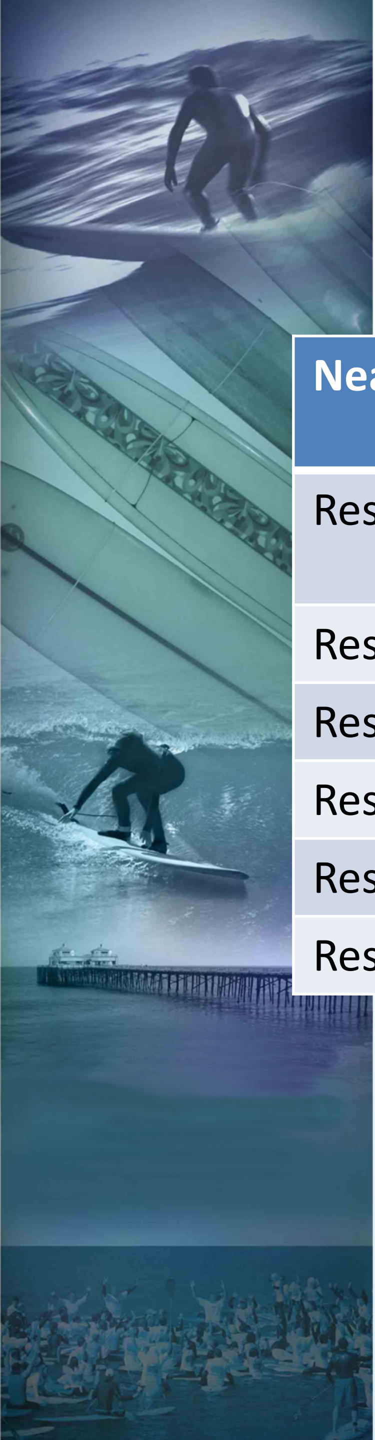
Many Plants are near Homes and Schools – 27 Examples

Nearest Facility	Distance, ft	Treatment Plant	City
Elementary School/residence	500 / 350	Fairbanks Ranch WPCP	Rancho Santa Fe
Preschool/residence	175 / 250	Hale Ave Resource Recovery Facility	Escondido
School/residence	575 / 675	Santa Fe Valley WTP	San Diego
School/church	280 / 190	SASM	Mill Valley
High school	975	Windsor WWTP	Windsor
Elementary school/residence	1320 / 383	Dublin San Ramon SD	Pleasanton
Residence	175	Avalon WWTF	Avalon
Church/residence	800 / 400	Joint WPCP	Carson
Residence	475	Hyperion WWTP	Los Angeles
Residence	1050	Long Beach WRP	Long Beach



Other Plants are near Homes and Schools

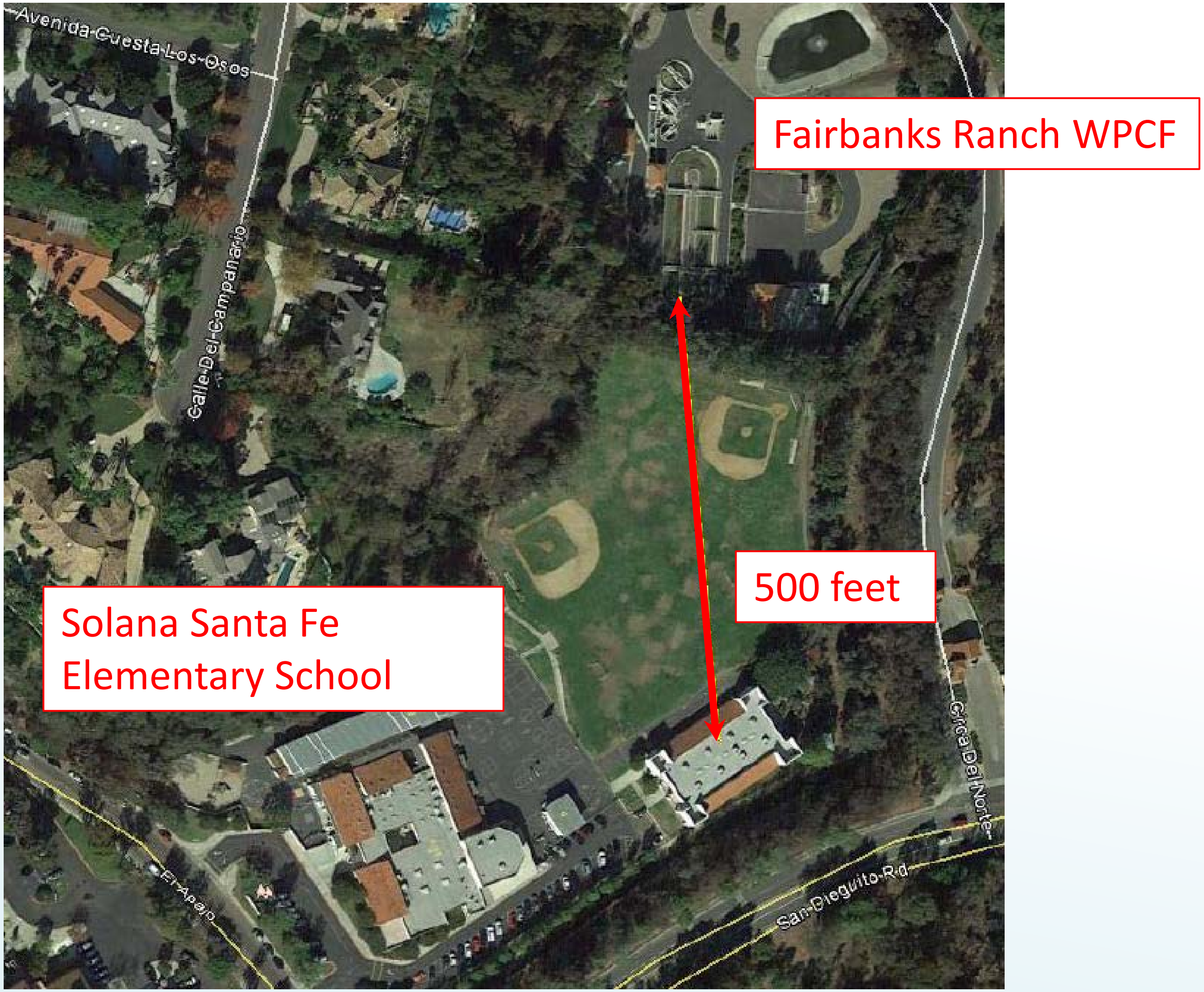
Nearest Facility	Distance, ft	Treatment Plant	City
Residence	500	LA-Glendale WWRP	Los Angeles
Residence	875	Los Coyotes WRP	Cerritos
Residence	725	New Piru WTF	Fillmore
Residence	875	New Santa Paula WRF	Santa Paula
Residence	225	Oxnard WWTP	Oxnard
Residence	550	CIM WWTP	Chino
Residence	375	4-S Ranch WRF	San Diego
Residence	150	Fallbrook PWD Plant 1	Fallbrook
Residence	175	Lower Moosa Canyon Reclamation Facility	Escondido
Residential	175	San Elijo Water Rec Fac	Cardiff
Residential	475	San Luis Rey WWTP	Oceanside



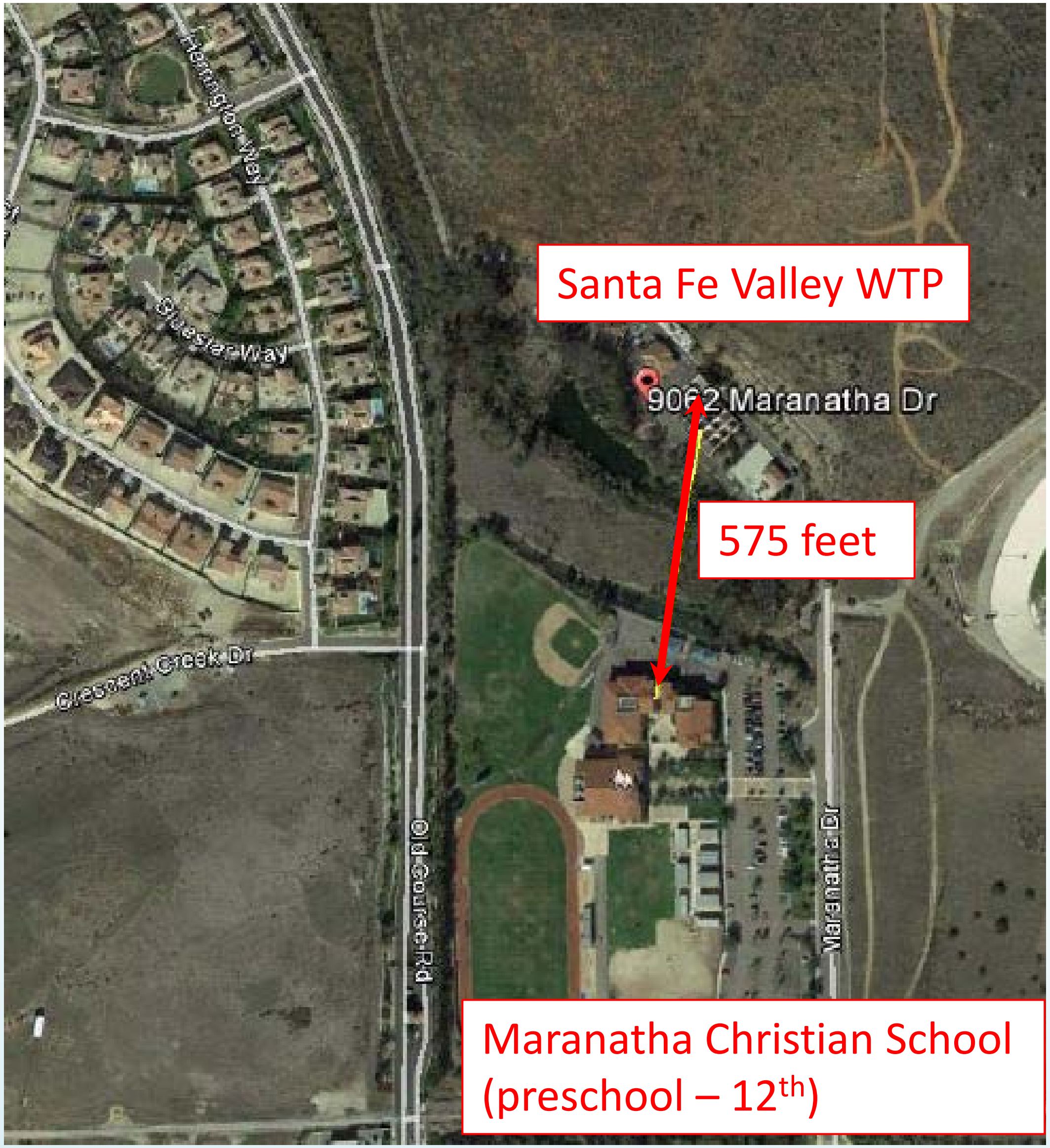
Other Plants are near Homes and Schools

Nearest Facility	Distance, ft	Treatment Plant	City
Residential	525	South Bay International WTP	San Diego
Residential	950	South Bay WRP	San Diego
Residential	950	Big Bear WWRF	Big Bear City
Residential	60	Sanitary District No. 5	Tiburon
Residence	680	Union Sanitary District	Union City
Residence	220	Novato Sanitary District	Novato

Rancho Santa Fe, CA (0.27 mgd)

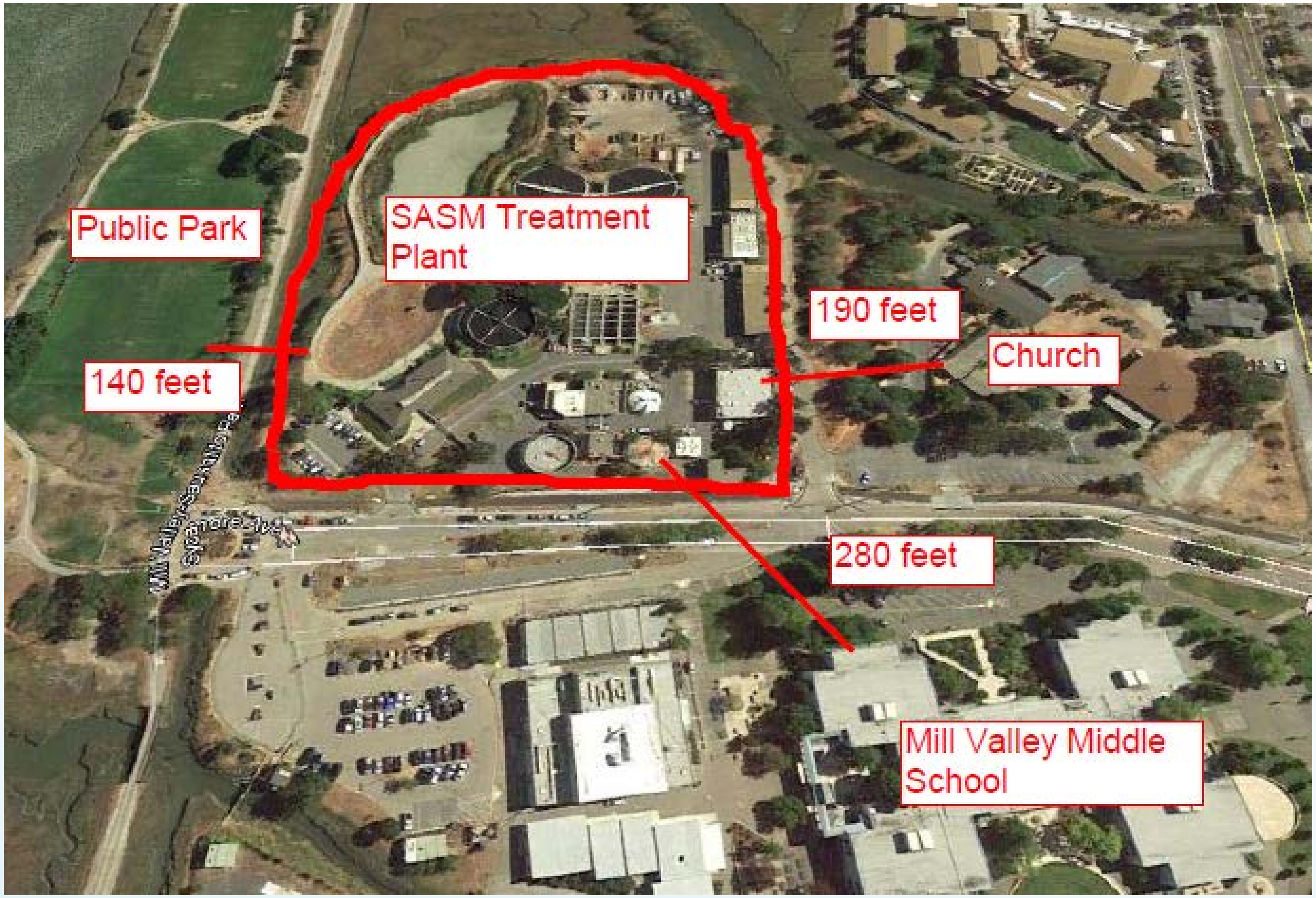


Santa Fe Valley, San Diego, CA (0.5 mgd)

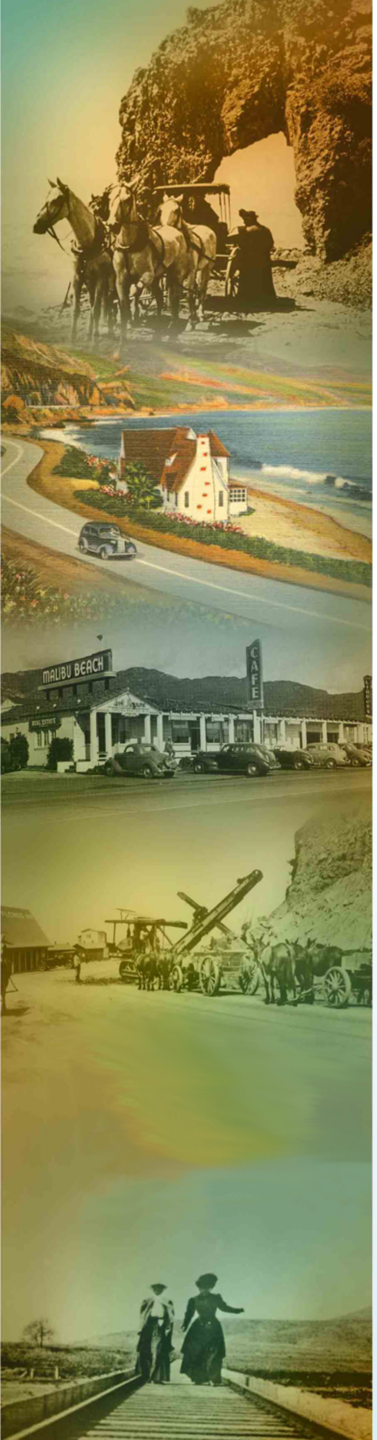


Carson, CA (400 mgd)

Mill Valley, CA (24.7 mgd)



Tiburon, CA (2.3 mgd)



Project Summary

- Will protect Malibu Lagoon, beaches, and Malibu Valley Groundwater Basin
- Is not growth inducing; sized for current City planning
- Will not impact public health of neighbors
- Impact to neighborhood amenity is minimized
  - Two existing antiquated plants will be removed
  - New plant will be fully enclosed
  - Full odor scrubbing will be provided
  - Full landscaping will be provided
  - Similar plant siting is common

CEQA and Entitlements

- Code changes
- CDP and CUP
- Final EIR and Errata No. 1

Ordinance and Resolution

- Ordinance No. 386
  - LCP amendment
  - Corollary M.M.C. amendments – ZTA and ZMA
- Resolution No. 15-05
  - Final EIR certification
  - Entitlements – CDP and CUP

Why an LCP Amendment?

- **LUP Policy 7.20**
  Any proposed sewer system shall be approved by the Coastal Commission as an LCP amendment prior to issuance of local permits and construction.

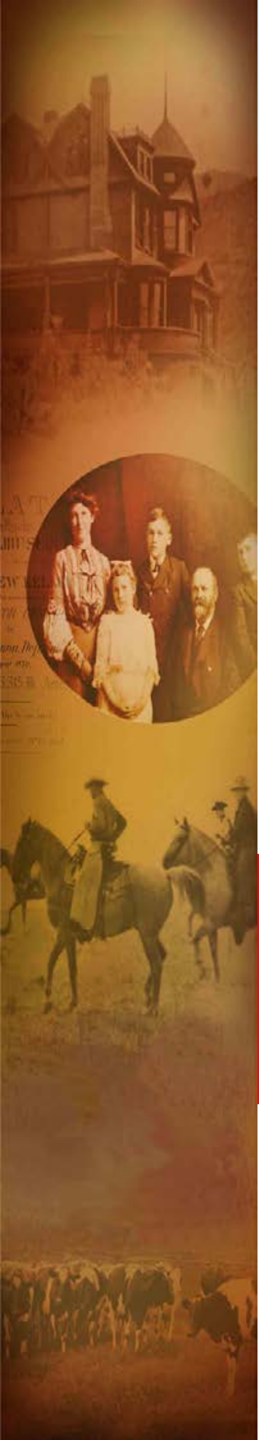
- Zoning of treatment plant and pump station sites

LUP Policy 7.19

- Least environmentally damaging wastewater treatment alternative
- Design capacity not to exceed development allowed by the LCP
- Consistent with all other policies of the LCP.
- Effluent disposal method consistent with marine resources, riparian habitat and water quality protection policies.

LCPA

- Includes development standards and policies
- Processed concurrently with CDP
- Project CDP must be consistent with LCP, standards and policies
- LCPA must be certified by Coastal Commission for CDP to be effective



LCP

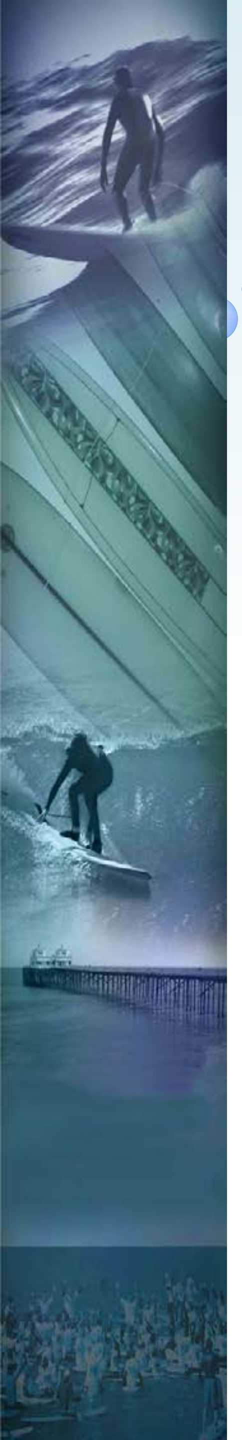
- CCWTF Overlay
- Permitted/Cond Permitted Uses
- Overlay Map
- Misc. changes
- LIP 18 – OWTS chapter

MMC

- CCWTF Overlay
- Permitted/Cond Permitted Uses
- Overlay Map
- Misc. changes

CCWTF Institutional Overlay

- New LIP Section 3.4.4
- Based on Institutional development standards of LIP Section 3.9, only modified where needed
- Only applies to site if it is acquired for CCWTF project
- Defines project as public utility facility



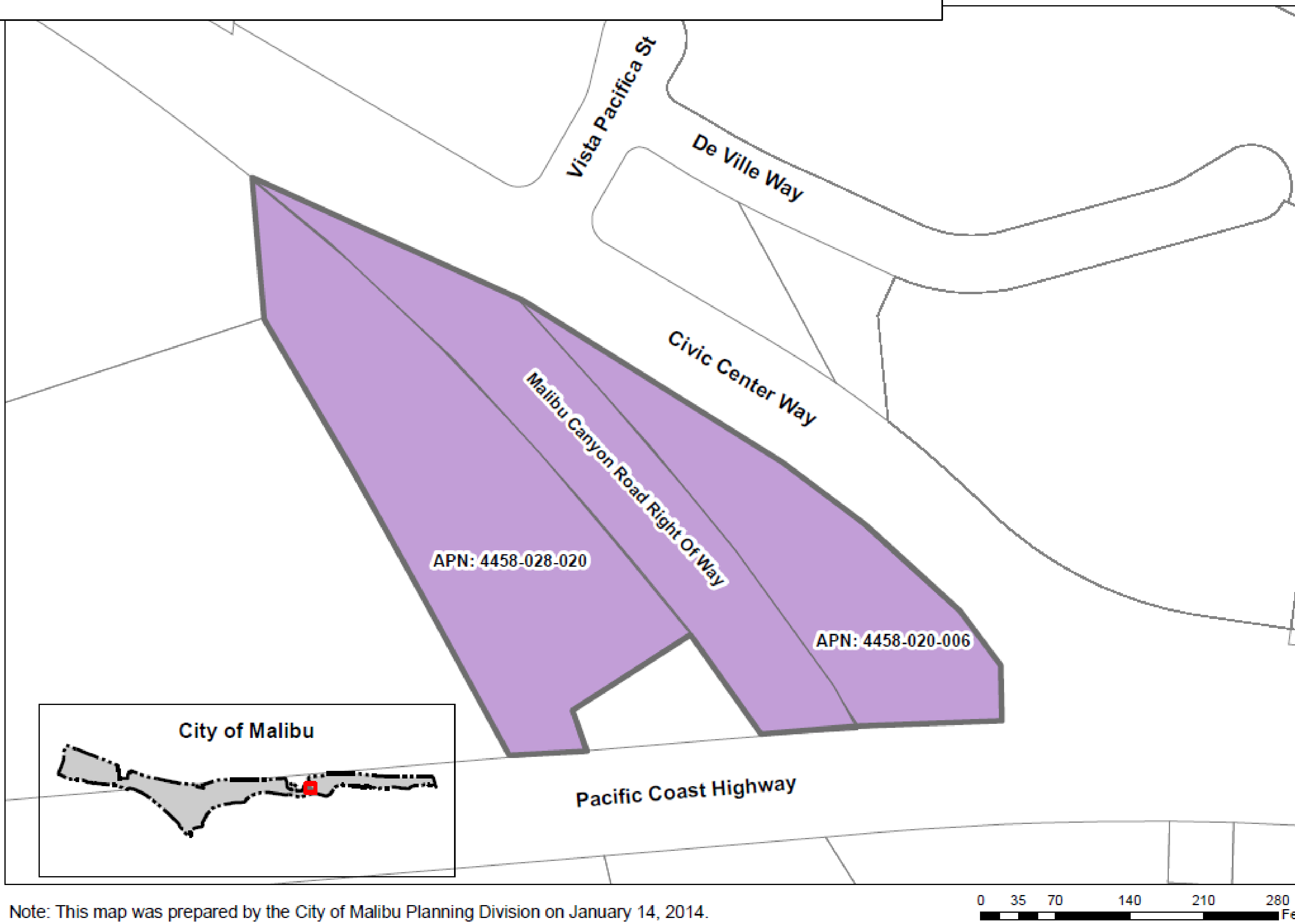
Siting / Design Standards

- ESHA
- Offsite Infrastructure
- Native Trees

Permitted and Conditionally Permitted Uses

- CV-1 (Legacy Park)
- CV-2 (Treatment plant site)
- POS (Malibu Bluffs Park)

CCWTF Institutional Overlay Map



Note: This map was prepared by the City of Malibu Planning Division on January 14, 2014.

CDP and CUP

- CDP complies with LCP, as amended by LCPA
- All CDP findings can be made
- All CUP findings can be made

Final EIR

- All impacts mitigated to less than significant except Noise
- Short term Noise, construction and generator testing only
- Statement of Overriding Considerations

CEQA Findings

- Final EIR completed in compliance with CEQA
- City Council has reviewed and considered Final EIR prior to making its decision on the project
- The Final EIR reflects the City's independent judgment and analysis.

Condition No. 69

Added by Planning Commission

During project construction activities, the contractor shall follow standard soil sampling procedures and shall report to the City any contaminants identified during testing. Contaminants shall be reported to the public within 30 days.

Recommendations

Introduce on first reading Ordinance No. 386

- Code amendments

Recommendations

Adopt Resolution No. 15-05

- EIR, MMRP and Statement of overriding considerations
- CDP and CUP

At School District Request (not necessary per EIR):

- Modify MM HM-3…
- Add MM NV-3 -- Construction of Winter Canyon area pipelines shall occur only during summer and winter breaks of Webster Elementary School

MM HM-3

Prior to construction on the treatment plant site, a geoprobe or other equivalent drilling methodology will be used to conduct a limited soil investigation in the areas around existing seepage pits to the anticipated depths of excavation at the proposed treatment plant site. Soil cores will be collected at pre-identified locations and screened in the field visually and with the use of handheld sampling devices such as photo-ionization detectors (PIDs). As determined in the field, selected soil samples and/or composite soil samples will be collected and delivered to a State-certified analytical laboratory for analysis for volatile organic compounds via EPA Method 8260. Samples will be collected and handled using industry-standard methods for soil sample collection for chemical analysis. The results of the analyses will be published on the City’s website within 30 days of receipt from the laboratory.

MM HM-3 (cont.)

During excavation and grading for the proposed Project, the contractor shall observe exposed soil for visual evidence of contamination and will sample soil stockpiles in the field for volatile organic compounds using a handheld device such as a PID. All observations will be recorded in a daily log book. If visual contamination indicators are observed during excavation or grading activities or significant levels of volatile organic compounds are detected, all work shall stop and an investigation shall be designed and performed to verify the presence and extent of contamination at the site.

MM HM-3 (cont.)

A qualified and approved environmental consultant shall perform the review and investigation. Results shall be reviewed and approved by LACFD or the California Department of Toxic Substances Control (DTSC) prior to construction. The investigation shall include collecting samples for laboratory analysis and quantifying contaminant levels within the proposed excavation and surface disturbance areas. Subsurface investigation shall determine appropriate worker protection and hazardous material handling and disposal procedures appropriate for the subject site.

Recommendation

Schedule 2nd reading and adoption of Ordinance No. 386 for January 26, 2015

City Council Public Hearing on FEIR/CDP/LCPA/ZTA

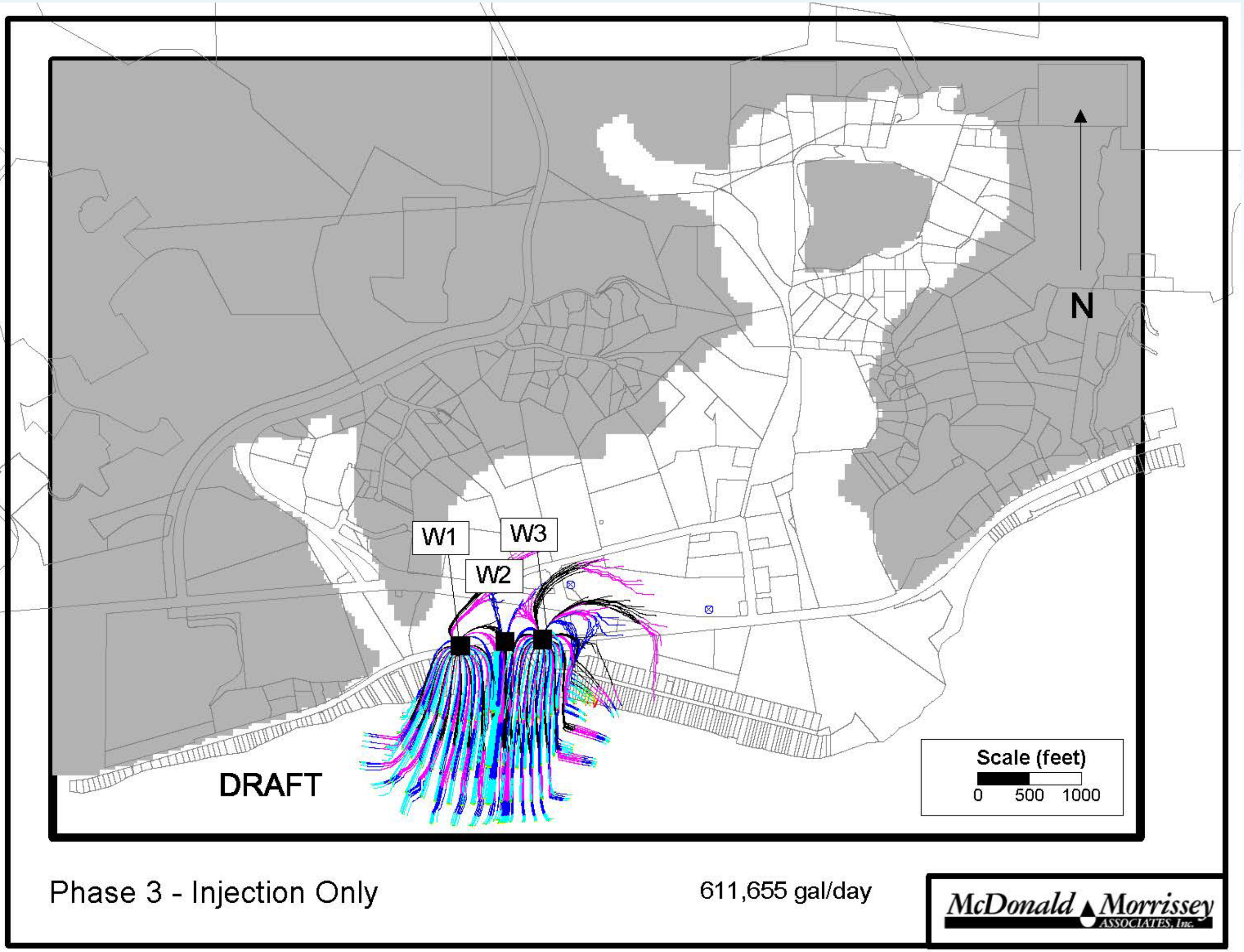
Civic Center Wastewater Treatment Facility Project

CITY OF MALIBU
Incorporated March 28, 1991

RMC

12 January 2015

Phase 3 – No Flow to Lagoon



Malibu Civic Center Stakeholders Meeting

January 29, 2015
Malibu City Hall
8:30 a.m.

Meeting Agenda

- Regional Water Quality Control Board
- Community Facilities District (CFD)
- Outreach Meetings/Presentations
- Assessment District (AD)
- Wastewater Facility Design
- Questions/Comments
- Next Meeting February 26, 2015
- Adjourn

Regional Water Quality Control Board

- Joint Progress Meetings with Board Staff (Dr. Eric Wu and Dr. Don Tsai of Groundwater and Permitting Unit)
- Monthly Meetings:
  - April 17, 2013 ✓
  - June 19, 2013 ✓
  - July 17, 2013 ✓
  - August 28, 2013 ✓
  - September 24, 2013 ✓
  - October 30, 2013 ✓
  - October 30, 2013 ✓
  - November/December 8, 2013 ✓
  - January 8, 2014 ✓
  - February 12, 2014 ✓
  - March 17, 2014 ✓
  - March 25, 2014 ✓

  April 30, 2014 ✓
  May 28, 2014 ✓
  July 9, 2014 ✓
  August 13, 2014 ✓
  September 17, 2014 ✓
  November 5, 2014 ✓
  December 15, 2014 ✓
  January 8, 2015 ✓
  January 12, 2015 ✓
  January 26, 2015 ✓
  March 2015 (TBD)

Regional Water Quality Control Board

- Topics of Discussion:
  - Status of the Injection and Modeling Program
  - Status of the City's Regulatory Obligations
    - CDP
    - CEQA
    - EIR
    - LCPA
  - Design Updates
  - Recycled Water Use and Opportunities
  - WDR Discharge Limits
  - WDR – Project Permits for Injection Program
  - Public Outreach
  - Water Quality Monitoring Plan
  - Revise MOU Schedules

Regional Water Quality Control Board

- City Manager Present a Project Update to RWQCB on 3-6-14 ✓
- Quarterly Progress Reports to RWQCB Executive Officer, Mr. Sam Unger (2014, **1st** Quarter Report sent to RWQCB on 3-31-14) ✓
- Quarterly Progress Reports to RWQCB Executive Officer, Mr. Sam Unger (2014, **2nd** Quarter Report sent to RWQCB on 7-1-14) ✓
- Quarterly Progress Reports to RWQCB Executive Officer, Mr. Sam Unger (2014, **3rd** Quarter Report sent to RWQCB on 9-30-14) ✓
- City Manager Presented a Project Update to RWQCB on 12-4-14 ✓
- RWQCB Meeting on 12-4-14 to amend MOU Schedules: ✓
  + Extended Phase 1 completion date from Nov. 2015 to June 2017
  + Extended Phase 2 completion date from Nov. 2019 to Nov. 2022
  + Extend the deadline of the Phase 3 water monitoring program from 1 year to 2 years after completion of Phase 1 work
  + Board created a subcommittee to work with the City and Serra Residents to determine if any sources of pollutants originate from the east sides of Malibu Creek
- Quarterly Progress Reports to RWQCB Executive Officer, Mr. Sam Unger (2014, **4th** Quarter Report sent to RWQCB on 12-31-14) ✓
- RWQCB Meeting for WDR Permit March 2015 (TBD)

Community Facilities District (CFD)

- Bond sale closed in February 2013 ✓
- City received funds in February 2013 ✓
- No other updates

Outreach Meetings/Presentations

- **August 6, 2013:** Project Technical Advisory Committee (TAC) at City Hall. ✓
- **August 17, 2013:** Project Presentation to Malibu Knolls HOA. ✓
- **August 21, 2013:** Discussions with Pepperdine University Officials regarding ✓ possible future recycled water use and opportunities. ✓
- **August 22, 2013:** Project Presentation to Wastewater Advisory Committee. ✓
- **September 12, 2013:** City Manager presentation of project update to the RWQCB. ✓
- **October 6, 2013:** Project update to Malibu Colony HOA. ✓
- **November 21, 2013:** Issued Notice of Preparation (NOP) for Draft EIR. ✓
- **December 11, 2013:** Held Public Project Scoping Meeting. ✓
- **December 11, 2013:** Held Nov/Dec Stakeholders Meeting. ✓
- **December 12, 2013:** Held 3rd Project Technical Advisory Committee (TAC). ✓
- **February 20, 2014:** Held 4th Project Technical Advisory Committee (TAC). ✓
- **March 6, 2014:** City Manager gave a project update to RWQCB. ✓

Outreach/Meetings/Presentations

- **June 25, 2014:** Project Public Workshop at City Hall. ✓
- **July 21, 2014:** DEIR Public Hearing/Planning Commission at City Hall ✓
- **July 23, 2014:** Environmental Review Board Meeting at City Hall. ✓
- **December 4, 2014:** City Manager gave a project update to RWQCB. ✓
- **December 15, 2014:** Planning Commission Meeting for EIR. ✓
- **January 8, 2015:** TAC Meeting. ✓
- **January 12, 2015:** City Council Meeting for EIR/CDP/LCPA/ZTA/ZMA. ✓
- **January 26, 2015:** City Council Meeting 2nd reading CDP/LCPA/ZTA/ZMA. ✓

Assessment District (AD)

- **June 24, 2013:** Sent out RFP for Assessment Engineering Consultant. ✓
- **August 1, 2013:** Two proposals received. ✓
- **September 23, 2013:** City Council approved David Taussig & Assoc., Inc. as the Assessment Engineering Consultant for the formation of the Assessment District for the project. ✓
- **October 3, 2013:** Notice to Proceed/Kick-off Meeting. ✓
- **December 11, 2013:** At Stakeholders Meeting, **1st** Presentation of Preliminary Assessment Analysis for Phase 1. ✓
- **April 3, 2014:** At Stakeholders Meeting, **2nd** Presentation of Preliminary Assessment Analysis for Phase 1. ✓
- **August 28, 2014:** At Stakeholders Meeting, **3rd** Presentation of Preliminary Assessment Analysis for Phase 1 ✓
- **Current:** Further refining analysis as additional information is obtained.

Assessment District (AD)

- **Clean Water State Revolving Funds:**
  - * SWRCB Program offering estimated $800 mil in low interest loans for water recycling projects.
  - * Prompted by Gov. drought declaration which was January 17, 2014.
  - * Estimated to be $500 mil of low interest financing available.
  - * Funding applications must be submitted by December 2, 2015.
  - * Potential to reduce overall design and construction costs significantly.
  - * Staff has directed consultant to begin formal application process. ✓
  - * Staff has directed consultant to begin Cultural Resources and ✓ Screenings work (last item req'd for application – Feb. 2015).

Wastewater Facility Design

- <u>Groundwater Injection Study</u> ✓
  - Phase 1 – cursory modeling and scoping ✓
  - Phase 2 – preliminary feasibility assessment ✓
  - Phase 3 – monitoring & injection wells
    - Construction ✓
    - Testing ✓
    - Analysis ✓

  <u>Results:</u>

  - Has recycled water reuse been maximized? Yes ✓
  - Is there sufficient groundwater injection capacity? Yes ✓
  - Will injected water flow to Malibu Creek or Lagoon? No ✓
  - Will groundwater quality be impacted by the injection? No ✓
  - Will there be ocean water quality impacts? No ✓

  <u>Conclusions:</u>

  - The project will lower groundwater levels. ✓
  - The groundwater basin has sufficient injection capacity for <u>all</u> project phases. ✓
  - The injection capacity has a large safety factor. ✓

  <u>Final Steps :</u>

  - Sensitivity Analysis. ✓
  - Sea Level Rise Evaluation. ✓

Wastewater Facility Design

- <u>Regulatory Obligations</u>
  - LCPA/ZTA/ZMA
    - Amend existing site use for Public Facilities ✓
    - Zoning Ordinance Revisions & Code Enforcement Subcommittee (ZORACES) ✓ (This item was heard on January 28, 2014) ✓
    - Planning Commission (Special Meeting on Dec. 15, 2014) ✓
    - City Council (Jan. 12, 2015) ✓
    - Coastal Commission (Submitted Jan. 15, 2015) ✓

      City Council 2nd reading (Jan. 26, 2015) ✓
  - EIR
    - Project description ✓
    - NOP ✓
    - Scoping Meeting ✓
    - Administrative Draft EIR ✓
    - Install Story Poles at plant site. ✓

Wastewater Facility Design

- EIR (Continued)
  - Draft EIR (released 5/30/14. 60-day circulation)✓
  - Planning Com. July 21, 2014 (Draft EIR comment hearing) ✓
  - ERB Meeting (July 23, 2014) ✓
  - DEIR Comment Period Closes July 28, 2014 ✓
  - Draft Final EIR Released November 2014 ✓
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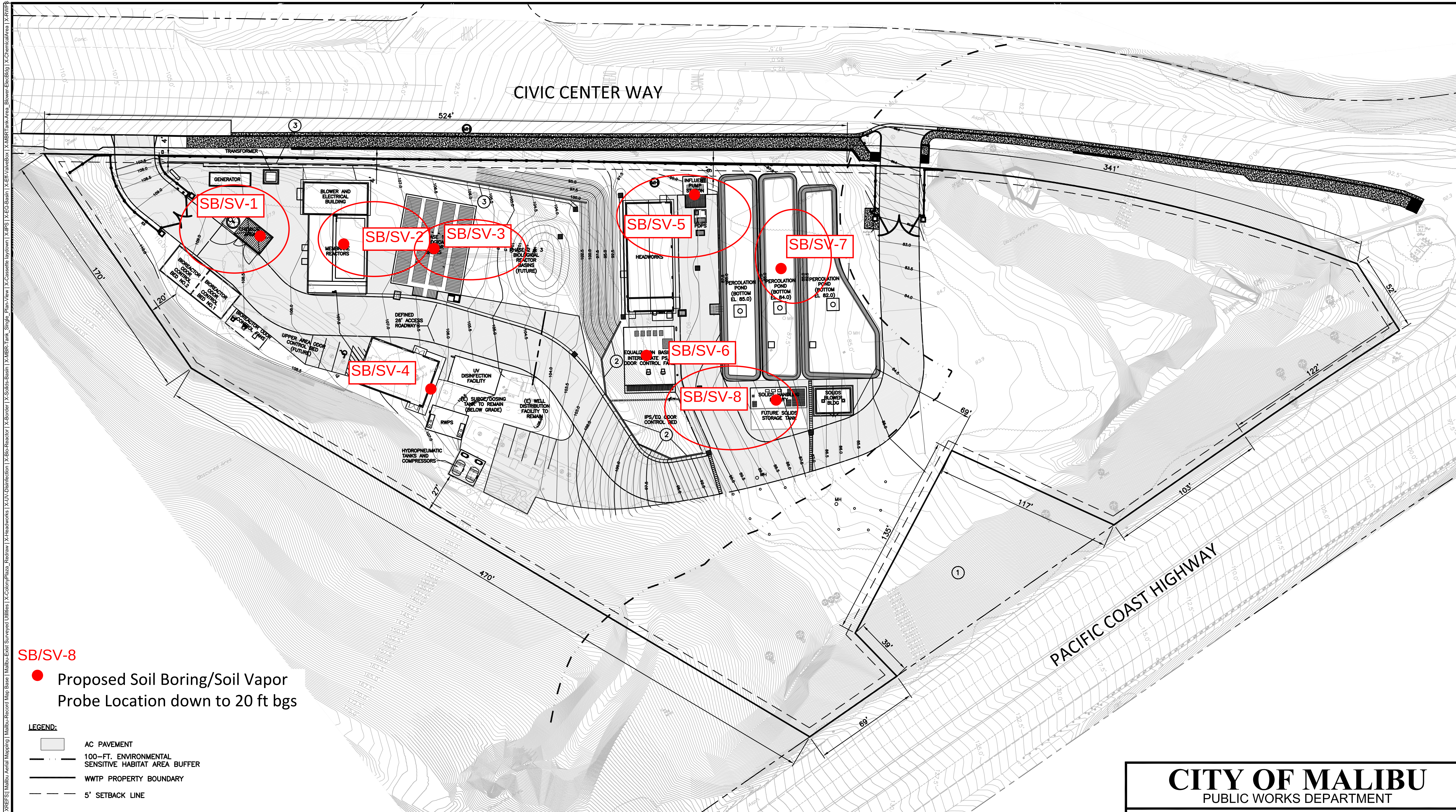
  - Coastal Commission Jan. 15, 2015 ✓
  - City Council Jan. 26, 2015 (2nd reading Hearing) ✓

Wastewater Facility Design

- CDP
  - Application Package
    - Project Plans ✓
    - Preliminary Reports ✓
      - Biology/Habitat Assessment ✓
      - Cultural Resources ✓
      - Geology ✓
      - Tree Survey ✓
  - Environmental Review Board ✓
  - Planning Commission (Special Meeting on Dec. 15th) ✓
  - City Council (Jan. 12, 2015) ✓
  - City Council 2nd reading (Jan. 26, 2015) ✓

- Additional Work
  - Soil Testing at Treatment Plant Site (Feb. 2015)



SB/SV-8

● Proposed Soil Boring/Soil Vapor Probe Location down to 20 ft bgs

LEGEND:

- AC PAVEMENT
- 100–FT. ENVIRONMENTAL SENSITIVE HABITAT AREA BUFFER
- WWTP PROPERTY BOUNDARY
- 5' SETBACK LINE

NOTES:

1. THIS AREA IS NOT PART OF THE FACILITY PROPERTY.
2. 1 TO 12 FOOT HIGH RETAINING WALL.
3. 1 TO 7 FOOT HIGH RETAINING WALL.

SCALE: 1"=30'

0 30 60 90

SCALE IN FEET

REGISTERED PROFESSIONAL ENGINEER MARC K. NAKAMOTO No. 63282 Exp. 06-30-16 CIVIL STATE OF CALIFORNIA

DIAL BEFORE YOU DIG 1-800-422-4133 DIGALERT PLAY IT SAFE. DIAL BEFORE YOU DIG! AT LEAST TWO WORKING DAYS PRIOR TO EXCAVATING. SERVING NINE SOUTHERN CALIFORNIA COUNTIES

0" 1" VERIFY SCALES BAR IS ONE INCH LONG ON FULL SIZE DRAWING. IF NOT ONE INCH LONG ON THIS DRAWING, ADJUST SCALES ACCORDINGLY

PLANS PREPARED BY: RMC water and environment

100% Submittal Not for Construction

NO.	REVISION	BY	CHKD.	DATE

CITY OF MALIBU

PUBLIC WORKS DEPARTMENT

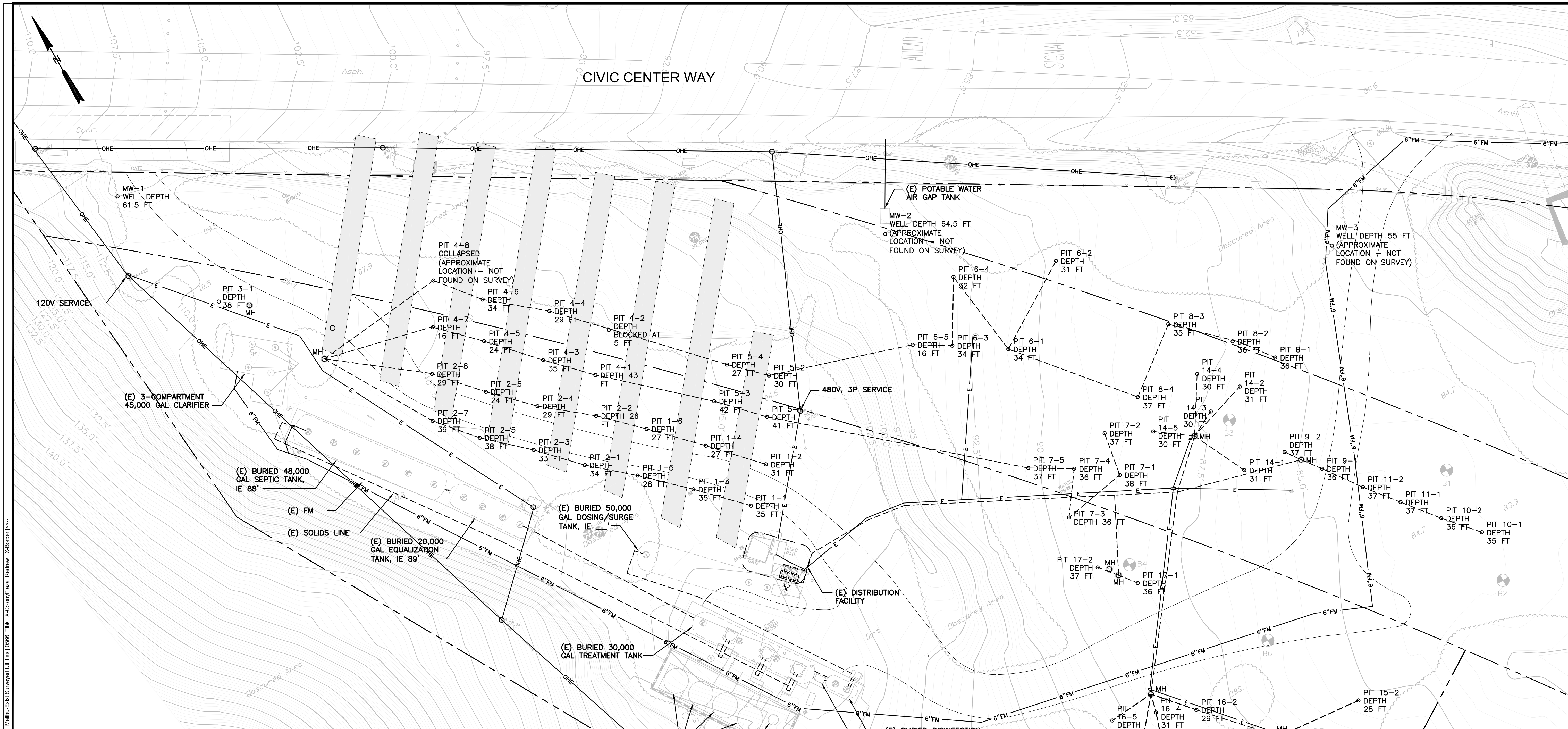
CIVIC CENTER WASTEWATER TREATMENT FACILITY - PHASE 1

SITE PLAN FOR COASTAL DEVELOPMENT PERMIT

DESIGNED BY: M. Hoeft	DATE 09/2014	SCALE AS SHOWN	APPROVED BY: ROBERT BRAGER, P.E., J.D. PUBLIC WORKS DIRECTOR/CITY ENGINEER RCE NO. 52102 EXP. 12/31/2014	DATE XX-XX-14
DRAWN BY: M.Foyle	DATE 09/2014			
CHECKED BY: M.Nakamoto	DATE 09/2014	PROJECT NUMBER 2036		

Plan No. ______ Sheet ______ of XXX Sheets

Last Saved By: sjung 9-10-14 10:20am



BORING LOCATION		
BORING ID	NORTHING	EASTING
B-1	1836436.755	6349846.159
B-3	1836351.438	6349836.618
B-3A	1836343.468	6349843.814
B-4	1836267.136	6349890.970
B-6	1836262.651	6349954.449
B-7	1836126.013	6350082.207
B-9	1836218.129	6350094.883
B-10	1836236.496	6350154.886
B-11	1836204.785	6350183.616

SCALE: 1"=20'

0 20 40 60

SCALE IN FEET

NOTES:

1. EXACT LOCATION OF BURIED UTILITIES ARE UNKNOWN. CONTRACTOR SHALL FIELD VERIFY LOCATION AND RELOCATE LINES AS NECESSARY FOR CONTINUED OPERATION OF EXISTING FACILITY PRIOR TO CONSTRUCTION OF NEW FACILITIES.

REGISTERED PROFESSIONAL ENGINEER MARC K. NAKAMOTO No. 63282 Exp. 06-30-16 CIVIL STATE OF CALIFORNIA

DIAL BEFORE YOU DIG 1-800-422-4133 DIGALERT PLAY IT SAFE. DIAL BEFORE YOU DIG! AT LEAST TWO WORKING DAYS PRIOR TO EXCAVATING. SERVING NINE SOUTHERN CALIFORNIA COUNTIES

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PLANS PREPARED BY: RMC water and environment

100% Submittal Not for Construction

NO.	REVISION	BY	CHKD.	DATE

CITY OF MALIBU
PUBLIC WORKS DEPARTMENT

CIVIC CENTER WASTEWATER TREATMENT FACILITY - PHASE 1

OVERALL SITE PLAN AND EXISTING CONDITIONS

DESIGNED BY: M.Nakamoto DATE 09/2014	SCALE	APPROVED BY:	DATE
DRAWN BY: M. Foyle DATE 09/2014	AS SHOWN		XX-XX-14
CHECKED BY: S.Clary DATE 09/2014	PROJECT NUMBER 2036	ROBERT BRAGER, P.E., J.D. PUBLIC WORKS DIRECTOR/CITY ENGINEER RCE NO. 52102 EXP. 12/31/2014	

Plan No. G-8 Sheet ____ of XXX Sheets

FILENAME: 0127-005-G-08 6-19-14 03:54pm sjung || XREFS: Malibu Aerial Mapping | Malibu-Record Map Base | Malibu-Exist Surveyed Utilities | 0566_Tblk | X-ColonyPlaza_Redraw | X-Border |<--

Last Saved By: sjung 6-19-14 01:35pm

Wastewater Facility Design

- <u>Design</u>
  - Treatment Plant Facility
  - Injection System
  - Collection System
  - Recycled Water System
  - ***<u>Current:</u>*** ***Plans/Specs. are 98% complete!***

Questions / Comments

Next meeting February 26, 2015

Thank you

Malibu Civic Center Stakeholders Meeting

February 26, 2015
Malibu City Hall
8:30 a.m.

Meeting Agenda

- Regional Water Quality Control Board
- Community Facilities District (CFD)
- Outreach Meetings/Presentations
- Assessment District (AD)
- Wastewater Facility Design
- Questions/Comments
- Next Meeting March 26, 2015
- Adjourn

Regional Water Quality Control Board

- Joint Progress Meetings with Board Staff (Dr. Eric Wu and Dr. Don Tsai of Groundwater and Permitting Unit)
- Monthly Meetings:
  - April 17, 2013 ✓
  - June 19, 2013 ✓
  - July 17, 2013 ✓
  - August 28, 2013 ✓
  - September 24, 2013 ✓
  - October 30, 2013 ✓
  - October 30, 2013 ✓
  - November/December 8, 2013 ✓
  - January 8, 2014 ✓
  - February 12, 2014 ✓
  - March 17, 2014 ✓
  - March 25, 2014 ✓
  - April 30, 2014 ✓
  - May 28, 2014 ✓
  - July 9, 2014 ✓
  - August 13, 2014 ✓
  - September 17, 2014 ✓
  - November 5, 2014 ✓
  - December 15, 2014 ✓
  - January 8, 2015 ✓
  - January 12, 2015 ✓
  - January 26, 2015 ✓
  - March 12, 2015

Regional Water Quality Control Board

- Topics of Discussion:
  - Status of the Injection and Modeling Program
  - Status of the City's Regulatory Obligations
    - CDP
    - CEQA
    - EIR
    - LCPA
  - Design Updates
  - Recycled Water Use and Opportunities
  - WDR Discharge Limits
  - WDR – Project Permits for Injection Program
  - Public Outreach
  - Water Quality Monitoring Plan
  - Revise MOU Schedules

Regional Water Quality Control Board

- City Manager Present a Project Update to RWQCB on 3-6-14 ✓
- Quarterly Progress Reports to RWQCB Executive Officer, Mr. Sam Unger (2014, **1st** Quarter Report sent to RWQCB on 3-31-14) ✓
- Quarterly Progress Reports to RWQCB Executive Officer, Mr. Sam Unger (2014, **2nd** Quarter Report sent to RWQCB on 7-1-14) ✓
- Quarterly Progress Reports to RWQCB Executive Officer, Mr. Sam Unger (2014, **3rd** Quarter Report sent to RWQCB on 9-30-14) ✓
- City Manager Presented a Project Update to RWQCB on 12-4-14 ✓
- RWQCB Meeting on 12-4-14 to amend MOU Schedules: ✓
  + Extended Phase 1 completion date from Nov. 2015 to June 2017
  + Extended Phase 2 completion date from Nov. 2019 to Nov. 2022
  + Extend the deadline of the Phase 3 water monitoring program from 1 year to 2 years after completion of Phase 1 work
  + Board created a subcommittee to work with the City and Serra Residents to determine if any sources of pollutants originate from the east sides of Malibu Creek
- Quarterly Progress Reports to RWQCB Executive Officer, Mr. Sam Unger (2014, **4th** Quarter Report sent to RWQCB on 12-31-14) ✓
- RWQCB Meeting for WDR Permit March 12, 2015

Community Facilities District (CFD)

- Bond sale closed in February 2013 ✓
- City received funds in February 2013 ✓
- No other updates

Outreach Meetings/Presentations

- **August 6, 2013:** Project Technical Advisory Committee (TAC) at City Hall. ✓
- **August 17, 2013:** Project Presentation to Malibu Knolls HOA. ✓
- **August 21, 2013:** Discussions with Pepperdine University Officials regarding ✓ possible future recycled water use and opportunities. ✓
- **August 22, 2013:** Project Presentation to Wastewater Advisory Committee. ✓
- **September 12, 2013:** City Manager presentation of project update to the ✓ RWQCB.
- **October 6, 2013:** Project update to Malibu Colony HOA. ✓
- **November 21, 2013:** Issued Notice of Preparation (NOP) for Draft EIR. ✓
- **December 11, 2013:** Held Public Project Scoping Meeting. ✓
- **December 11, 2013:** Held Nov/Dec Stakeholders Meeting. ✓
- **December 12, 2013:** Held 3rd Project Technical Advisory Committee (TAC). ✓
- **February 20, 2014:** Held 4th Project Technical Advisory Committee (TAC). ✓
- **March 6, 2014:** City Manager gave a project update to RWQCB. ✓

Outreach/Meetings/Presentations

- **June 25, 2014:** Project Public Workshop at City Hall. ✓
- **July 21, 2014:** DEIR Public Hearing/Planning Commission at City Hall ✓
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- **December 15, 2014:** Planning Commission Meeting for EIR. ✓
- **January 8, 2015:** TAC Meeting. ✓
- **January 12, 2015:** City Council Meeting for EIR/CDP/LCPA/ZTA/ZMA. ✓
- **January 26, 2015:** City Council Meeting 2nd reading CDP/LCPA/ZTA/ZMA. ✓
- **March 12, 2015:** City will present project to RWQCB for WDR Permit.

Assessment District (AD)

- **June 24, 2013:** Sent out RFP for Assessment Engineering Consultant. ✓
- **August 1, 2013:** Two proposals received. ✓
- **September 23, 2013:** City Council approved David Taussig & Assoc., Inc. as the Assessment Engineering Consultant for the formation of the Assessment District for the project. ✓
- **October 3, 2013:** Notice to Proceed/Kick-off Meeting. ✓
- **December 11, 2013:** At Stakeholders Meeting, **1st** Presentation of Preliminary Assessment Analysis for Phase 1. ✓
- **April 3, 2014:** At Stakeholders Meeting, **2nd** Presentation of Preliminary Assessment Analysis for Phase 1. ✓
- **August 28, 2014:** At Stakeholders Meeting, **3rd** Presentation of Preliminary Assessment Analysis for Phase 1 ✓
- **Current:** Further refining analysis as additional information is obtained.

Assessment District (AD)

- **<u>Clean Water State Revolving Funds:</u>**

  * SWRCB Program offering estimated $800 mil in low interest loans for water recycling projects.
  * Prompted by Gov. drought declaration which was January 17, 2014.
  * Estimated to be $500 mil of low interest financing available.
  * Funding applications must be submitted by December 2, 2015.
  * Potential to reduce overall design and construction costs significantly.
  * Staff has directed consultant to begin formal application process. ✓
  * Staff has directed Consultant to begin Cultural Resources and Screenings work (Field work was performed Feb. 23, 2015 and no archaeological materials were found). ✓
  * Consultant has submitted fund application to SWRCB. ✓
  * This project is now on the published list of SWRCB California SRF Loan Projects. ✓

Wastewater Facility Design

- <u>Groundwater Injection Study</u>
  - Phase 1 – cursory modeling and scoping
  - Phase 2 – preliminary feasibility assessment
  - Phase 3 – monitoring & injection wells
    - Construction
    - Testing
    - Analysis

  <u>Results:</u>

    - Has recycled water reuse been maximized? Yes
    - Is there sufficient groundwater injection capacity? Yes
    - Will injected water flow to Malibu Creek or Lagoon? No
    - Will groundwater quality be impacted by the injection? No
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  <u>Conclusions:</u>

    - The project will lower groundwater levels.
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  <u>Final Steps :</u>

    - Sensitivity Analysis.
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    - Amend existing site use for Public Facilities ✓
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Wastewater Facility Design

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Wastewater Facility Design

- CDP
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- **Additional Work**
  - Soil Testing at Treatment Plant Site – **Phase II Environmental Site Assessment** (Field work was performed Feb. 23, 24, 25, 2015)

Wastewater Facility Design

- Design
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  - Injection System
  - Collection System
  - Recycled Water System
  - **Current:** ***Plans/Specs. are 98% complete!*** ✓

Questions / Comments

Next meeting March 26, 2015

Thank you

Malibu Civic Center Stakeholders Meeting

March 26, 2015
Malibu City Hall
8:30 a.m.

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Regional Water Quality Control Board

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- RWQCB Meeting for WDR/WRR Permits March 12, 2015
- Will be submitting the 2015, 1st Quarter Progress Report to RWQCB on 3-31-15

Community Facilities District (CFD)

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- City received funds in February 2013 ✓
- No other updates

Outreach Meetings/Presentations

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- **March 25, 2015:** Staff has directed Assessment Engineer to move forward with steps to form the Assessment District. ✓

Assessment District (AD)

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  * Staff has directed Consultant to begin Cultural Resources and Screenings work (Field work was performed Feb. 23, 2015 and no archaeological materials were found). ✓
  * Consultant has submitted fund application to SWRCB. ✓
  * This project is now on the published list of SWRCB California SRF Loan Projects. ✓
  * Continue to move forward with the process to acquire SRF Loan funding. ✓

Wastewater Facility Design

- <u>Groundwater Injection Study</u> ✓
  - Phase 1 – cursory modeling and scoping ✓
  - Phase 2 – preliminary feasibility assessment ✓
  - Phase 3 – monitoring & injection wells
    - Construction ✓
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- **Additional Work**
  - Soil Testing at Treatment Plant Site – **Phase II Environmental Site Assessment** (Field work was performed Feb. 23, 24, 25, 2015). . . . ***Preliminary results are favorable*** ✓
  - Finalize Land Acquisition
  - Finalize Assessment Engineers Report

Wastewater Facility Design

- Design
  - Treatment Plant Facility
  - Injection System
  - Collection System
  - Recycled Water System
  - **Currently:** ***Plans/Specs. are 98% complete!***
  - ***Directed design Consultant finalize design and prepare bid package for public bidding.***

Questions / Comments

Next meeting April 30, 2015

Thank you

City Council Meeting
01-26-15
Item
3.A.1.

Council Agenda Report

To:	Mayor Sibert and the Honorable Members of the City Council
Prepared by:	Lisa Pope, City Clerk
Approved by:	Jim Thorsen, City Manager
Date prepared:	January 13, 2015 Meeting date: January 26, 2015
Subject:	Second Reading and Adoption of Ordinance No. 385

RECOMMENDED ACTION: Conduct second reading, unless waived, and adopt Ordinance No. 385 an ordinance of the City of Malibu adding chapter 9.21 (groundwater extraction wells) to the Malibu Municipal Code to create a Prohibition Zone prohibiting the installation of groundwater extraction wells around the Civic Center Wastewater Treatment Facility injection well locations and creating a Consultation Zone for the installation of groundwater extraction wells within the Malibu Valley and Winter Canyon groundwater basins.

FISCAL IMPACT: None.

DISCUSSION: At the Regular City Council meeting on January 12, 2015, the City Council introduced on first reading Ordinance No. 385.

Ordinance No. 385 is presented to the City Council for adoption.

ATTACHMENTS: Ordinance No. 385

ORDINANCE NO. 385

AN ORDINANCE OF THE CITY OF MALIBU ADDING CHAPTER 9.21 (GROUNDWATER EXTRACTION WELLS) TO THE MALIBU MUNICIPAL CODE TO CREATE A PROHIBITION ZONE PROHIBITING THE INSTALLATION OF GROUNDWATER EXTRACTION WELLS AROUND THE CIVIC CENTER WASTEWATER TREATMENT FACILITY INJECTION WELL LOCATIONS AND CREATING A CONSULTATION ZONE FOR THE INSTALLATION OF GROUNDWATER EXTRACTION WELLS WITHIN THE MALIBU VALLEY AND WINTER CANYON GROUNDWATER BASINS

The City Council of the City of Malibu does ordain as follows:

Section 1. Findings.

A. There exists a prohibition against discharges from Onsite Wastewater Treatment Systems in the Civic Center Area of the City of Malibu as imposed by the Los Angeles Regional Water Quality Control Board and upheld by the California State Water Resources Control Board, Resolution No. R4-2009-007.

B. The prohibition does not preclude a publicly owned, community-based, solution that includes specific wastewater disposal sites subject to waste discharge requirements to be prescribed by the Regional Board.

C. The City intends to construct a Civic Center Wastewater Treatment Facility which will include injection wells to disperse Title 22 recycled water into the underlying groundwater aquifer system when these waters cannot be used for irrigation and/or other acceptable means of use.

D. Drilling and operation of groundwater extraction wells near these injection wells will affect the performance of the injection wells, affect overall groundwater quality, will increase the probability of affecting water quality in Malibu Creek and Lagoon, and increase the potential for saltwater intrusion into the Malibu Valley Groundwater Basin.

E. The individual properties within the area of the Prohibition Zone and the area of the Consultation Zone are provided with an adequate potable water supply from the existing services provided by the County of Los Angeles Public Works, Division of Water Works, Water District 29. These same properties may also have the opportunity to obtain and use Title 22 recycled water for irrigation and other non-potable needs. There is sufficient water supply to serve all domestic, commercial, landscape irrigation, and fire suppression needs within these areas.

Section 2. Chapter 9.21 Groundwater Extraction Wells is hereby added to Title 9 of the Malibu Municipal Code to read as follows:

GROUNDWATER EXTRACTION WELLS

Sections:

9.21.010 Intent and Purpose.

The purpose of creating a Prohibition Zone for groundwater extraction wells in and around the Civic Center Wastewater Treatment Facility is to assure that the performance of the recycled water injection wells remains as designed, to protect human health, and to assure that the injected recycled water path of travel is to the ocean and not to other sensitive water bodies such as Malibu Creek and Malibu Lagoon.

The purpose of creating a Consultation Zone for groundwater extraction wells in the Malibu Valley Groundwater Basin is to ensure there are no impacts on the Civic Center Wastewater Treatment Facility recycled water injection wells and to maintain the integrity of the Basin against any potential for saltwater intrusion or other degradation of groundwater quality resulting from the operation of groundwater extraction well(s).

9.21.020 Definitions.

For purposes of this Chapter, the following words and terms have the following meaning:

A. "Consultation Zone" means an area within the Malibu Valley Groundwater Basin or the Winter Canyon Groundwater Basin which Groundwater Extraction Wells may be permitted pursuant to section 9.21.050.

B. "Groundwater Extraction Well" means any well or other human made opening in or excavation of the surface and/or subsurface of the earth for the purpose of extracting groundwater from underground.

C. "Injection Well" means a well into which fluids are injected for purposes such as waste disposal and/or the disposal of recycled wastewater.

D. "Malibu Valley Groundwater Basin" means the small alluvial groundwater basin in the Civic Center Area of Malibu bounded by the Pacific Ocean on the south and by non-watering bearing Tertiary rocks on all remaining sides as depicted in Exhibit A to the ordinance codified in this chapter.

E. "Prohibition Zone" means an area within which Groundwater Extraction Wells are prohibited pursuant to section 9.21.040.

F. "Winter Canyon Basin" means the small alluvial groundwater basin west of the Malibu Valley Groundwater Basin separated by intervening ridge of non-water bearing Tertiary rocks on the east, and bounded by non-water bearing Tertiary rocks on the north and west as depicted in Exhibit A to the ordinance codified in this chapter.

9.21.030 Applicability.

This chapter shall apply to all Groundwater Extraction Wells in the Prohibition Zone and Consultation Zone in the Malibu Valley and Winter Canyon Groundwater Basins.

9.21.040 Prohibition Zone for the Installation of Groundwater Extraction Wells.

A. Prohibition Zone.

1. A Prohibition Zone shall exist around each recycled water injection well serving as a dispersal method for the Civic Center Wastewater Treatment Facility. Any Groundwater Extraction Well shall be strictly forbidden within this zone.

2. The Prohibition Zone shall extend to a radius of 1,600 feet around the exterior of each recycled water injection well location that serves the Civic Center Wastewater Treatment Facility..

3. Prohibition Zones may overlap from one recycled water injection location to another.

4. No permit for a Groundwater Extraction Well may be issued for any portion of any real property located within the Prohibition Zone.

5. No person shall construct, install, utilize, allow, permit, or provide for the installation of, a Groundwater Extraction Well within the Prohibition Zone.

6. Any existing Groundwater Extraction Well located within the Prohibition Zone shall be abandoned and/or destroyed in accordance with the Local Coastal Plan and County of Los Angeles Department of Public Health requirements.

    a. Exceptions:
        i. This prohibition shall not apply to monitoring wells constructed for the purpose of groundwater quality or elevation monitoring.

ii. This prohibition shall not apply to wells used for the purpose of dewatering excavations during construction of sites with valid building permits and appropriate discharge permits from state and local agencies.

9.21.050 Consultation Zone for the Installation of Groundwater Extraction Wells.

A. Consultation Zone.

1. A Consultation Zone shall exist over the entire Malibu Valley Groundwater Basin and the Winter Canyon Basin.

B. Permit requirements for the construction of any Groundwater Extraction Well within the Consultation Zone are as follows:

1. Applicants must obtain a Coastal Development Permit from the City for the installation of any Groundwater Extraction Well in the Consultation Zone pursuant to the procedures set forth in the Malibu Local Coastal Program.

2. Applicants must obtain a Well Construction Permit from the County of Los Angeles Department of Public Health, Drinking Water Division.

3. Applicants must submit to the City a detailed engineering analysis prepared by a California State licensed and/or certified hydrogeologist or engineer detailing the effects of the proposed groundwater extraction well on the Malibu Valley Groundwater Basin and the Winter Canyon Basin, including, but not limited to, addressing and modeling the effects of the well on the operation of the Civic Center Wastewater Treatment Facility Recycled Water Injection Wells. The report must demonstrate to the satisfaction of the City Engineer that the extraction of the groundwater will not change, alter, or affect the dispersal pathway of the injected recycled water or create any negative impact from the injected recycled water. The report must also demonstrate and model to the satisfaction of the City Engineer that the extraction of groundwater will not cause saltwater intrusion or other degradation of the Malibu Valley Groundwater Basin and the Winter Canyon Basin. The report shall also address the short term, long term, and cumulative effects of the proposed groundwater extraction on the Malibu Valley Groundwater Basin and the Civic Center Wastewater Treatment Facility Recycled Water Injection Wells.

4. No person shall construct, install, utilize, allow, permit, or provide for the installation of, a Groundwater Extraction Well on any parcel of land within the Consultation Zone unless such Well is permitted pursuant to the provisions of this chapter.

9.21.060 Fees.

The City may collect all applicable fees pursuant to the City of Malibu Fee Schedule.